

State of Missouri Public Defender Commission



Fiscal Year 2006 Annual Report

Assuring the Public Defense

The Right to Counsel and the State Public Defender System in Missouri

J. Marty Robinson, State Public Defender, Director

Cathy R. Kelly, Acting Director

Kathleen L. Lear, Comptroller/Legislative Liaison

[Http://www.publicdefender.mo.gov](http://www.publicdefender.mo.gov)

October 1, 2006



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J. Marty Robinson
Director

Kathleen L. Lear
Comptroller

M E M O R A N D U M

TO: Governor Blunt
Chief Justice Wolff
Members of the Supreme Court
Members of the General Assembly
Presiding Judges

FROM: J. Marty Robinson, Director
Cathy R. Kelly, Acting Director
Members of the State Public Defender Commission

A handwritten signature in black ink that reads "Cathy R. Kelly".

DATE: October 1, 2006

RE: Fiscal Year 2006 Annual Report

This Annual Report provides a snapshot of a public defender system in crisis. This is not news to many of you. Many among your number have not only already recognized the problem, but are also already working to address it.

At the close of the last legislative session, President Pro Tem Michael Gibbons appointed an Interim Senate Committee on the Public Defender to examine and explore solutions for the public defender caseload and attorney retention crises. Chaired by Senator Jack Goodman and made up of Sen. Gibbons, Sen. Luann Ridgeway, Sen. Joan Bray and Sen. Chuck Graham, this Interim Committee has been holding hearings to assist them in developing legislation to address and avert this crisis. Representatives Jim Lembke and Rachel Bringer, as well as Senator Maida Coleman, have been serving on the Missouri Bar Task Force on the Public Defender to elicit ideas and support for solutions from members of the judiciary, prosecuting attorneys, bar association leaders, the defense bar, public defender commissioners, and the governor's general counsel. Awareness of the crisis has grown, both within the legal community and within the public at large, as evidenced by the growing media coverage of the issue. Ideas abound and both energy and commitment to finding solutions are strong. We are hopeful.

And yet, as we present this Annual Report, we remain a public defender system in crisis struggling with staggering caseloads and 116% attorney turnover in the last six years. Many of our attorneys are handling caseloads close to twice the Department of Justice's national standards for public defender caseloads, even as they remain the lowest paid public

defenders of any statewide public defender system in the country - even after last year's repositioning adjustments. To top things off, two months ago, the American Bar Association issued an ethical advisory opinion warning that public defenders have the same ethical obligations as private attorneys not to take on more cases than they can effectively handle; and reminding the legal community that public defenders can face professional discipline for violating that ethical obligation. Not surprisingly, few lawyers are willing to risk their licenses and hard-won legal reputations to remain in jobs with bottom-of-the-legal-barrel salaries and a staggering workload, no matter how devoted they may be to public service. Something must change.

Unlike other state agencies with multiple missions, the Missouri State Public Defender System is tasked with only one responsibility: meeting the state's constitutional obligation to provide effective assistance of counsel to those who are charged in Missouri's criminal courts and are unable to afford their own attorneys. The workload is determined by the number of cases that come through the door and the level of service required is constitutionally mandated. There are no expendable programs. The only option for cutting back on services to fit within existing staffing levels is to refuse to provide representation in new criminal cases, a move that would precipitate a constitutional crisis in Missouri's courts and, inevitably, a federal lawsuit against the state. The solution must come from outside the Public Defender System and it must come soon.

This year's budget request from the Missouri State Public Defender asks for 107 new attorneys, just to handle the existing caseload under the Department of Justice's National Advisory Commission's recommended caseloads for public defenders. This number does not take into account any projections of what caseload may be for the coming year, but only addresses the caseload we already have. An alternative budget proposal requests the creation of a case overload appropriation from which to pay private attorneys to handle those cases in excess of applicable national caseload standards. Contracting cases is out is the more expensive option, but either would bring critical caseload relief and place Missouri back on sound constitutional ground in its provision of indigent defense.

The Missouri State Public Defender has also requested additional increases in attorney salaries and consideration of a loan forgiveness or loan repayment assistance plan in hopes of stemming the tsunami of public defender turnover. The continual recycling of attorney positions has a direct impact on the caseload crisis. As experienced attorneys leave and are replaced by new, inexperienced ones, cases are delayed time and time again. More time is spent by the few remaining experienced attorneys training the new ones, leaving even less time for work on their own cases. The result is that victims and defendants wait longer and longer for their day in court, while jails and court dockets bulge with old cases. The risk of an innocent person being convicted and the risk of an accurate conviction being overturned due to ineffective assistance of counsel continue to rise. Either way, the citizens of Missouri are not being well-served.

A study of the Missouri Public Defender System by The Spangenberg Group, an independent consultant and provision of defender services around the country retained by the Missouri Bar last November, verified the crisis we have described above. It also found that we have an immensely dedicated, hard-working group of employees who care tremendously about the work they do. Last year, our attorneys donated over 25,000 hours of overtime to the state of Missouri and forfeited back to the state an average of 42 hours of unused vacation time – above the 320 hours of accumulated leave they are allowed to bank. They are giving their all, but they can't do it by themselves. They need and deserve help, just as Missourians as a whole need and deserve justice and an indigent defense system that lives up to constitutional guarantees. Many of you share that opinion and are working to make it a reality. We thank you for efforts.

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Public Defender Commission
Annual Report - Fiscal Year 2006

I. The Public Defender System

In response to the guarantee of effective assistance of counsel contained in both the United States and Missouri constitutions, the Missouri State Public Defender System was established on April 1, 1982 as a "system for providing defense services to every jurisdiction within the state by means of a centrally administered organization having a full-time staff." Through this Department of State government, constitutionally required defense services are provided to eligible persons. This was accomplished through an organized program able to respond to the needs of all judicial jurisdictions within the state. As the caseloads have increased with no corresponding increase in resources, the Public Defender is no longer capable to respond to all of these needs.

THE CONSTITUTIONAL MANDATE FOR PUBLIC DEFENSE

The United States Supreme Court has interpreted the Sixth Amendment of the U.S. Constitution to require the appointment of counsel in any state or federal criminal prosecution that may lead to imprisonment for any period of time.

See generally, *Alabama v. Shelton*, 535 US 654, 662 (2002); *Strickland v. Washington*, 466 U.S. 688, 684-86 (1984); *Scott v. Illinois*, 440 U.S. 367, 373-74 (1979); *Argersinger v. Hamlin*, 407 U.S. 25, 30-31 (1972); *Gideon v. Wainwright*, 372 U.S. 335, 342-45 (1963).

CONSTITUTION OF THE UNITED STATES OF AMERICA
BILL OF RIGHTS, AMENDMENT VI

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial by an impartial jury of the state and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

CONSTITUTION OF THE STATE OF MISSOURI
ARTICLE I, SECTION 18(A)

That in criminal prosecutions the accused shall have the right to appear and defend, in person and by counsel; to demand the nature and cause of the accusation; to meet the witnesses against him face to face; to have process to compel the attendance of witnesses in his behalf; and a speedy public trial by an impartial jury of the county.

Indigent Defense Services in Missouri: A Time Line

1963— Gideon v. Wainwright: The U.S. Supreme Court ruled that the Sixth Amendment to the U.S. Constitution's guarantee of the right to assistance of counsel in one's defense in a criminal prosecution extended even to those unable to hire their own attorney.

1972— Missouri enacted Chapter 600 gathering together a blended system of local public defender offices and appointed counsel programs under the auspices of a Public Defender Commission. Funding was provided by federal Law Enforcement Assistance Grants through the Department of Justice. In Missouri, these funds, along with additional "High Impact" grants for urban areas, were used to create public defender offices in St. Louis and Kansas City; and to pay appointed counsel in the rest of the state.

1977— Eighteen of Missouri's 43 judicial circuits were covered by public defender offices, with the remainder still relying on an appointed counsel system under which the judge assigned cases to members of the private bar. OSCA administered the program for the Public Defender Commission.

1982— The Office of the Missouri State Public Defender was created as an independent state department within the judicial branch. The appointed counsel program was eliminated in favor of contract counsel - private practitioners who agreed to take on all indigent clients in a particular area in return for a set contract fee, with supplemental adjustments as appropriate based on numbers and types of cases.

1989— Due to the rising cost of the contract counsel program and the increasing difficulty finding private practitioners willing to take on indigent cases for the fees paid by the State Public Defender System, the system was reorganized under the administration of Governor John Ashcroft. The new system eliminated all contract arrangements and replaced them with public defender offices, staffed with full time public defenders, covering all counties in the state.

The Missouri State Public Defender System was also reorganized at that time into three legal services divisions -- Trial, Appellate/Post-Conviction Relief, and Capital - in order to improve efficiency through specialization of practice areas. The Trial Division (a map detailing the trial district offices can be found on page 60 of this report) provides legal services at the trial level throughout the state and is subdivided into thirty-six district offices. The Appellate Division, which provides legal services for cases in the Appellate and Supreme Courts and with post-conviction matters in the trial courts, has offices in Kansas City, St. Louis, and Columbia. The Capital Division, which provides representation in cases at trial and on appeal when the death penalty is sought by the prosecution, has offices in Kansas City, St. Louis, and Columbia.

Because of the caseload overload, almost all District Defenders are also carrying full caseloads, leaving little to no time to attend to management responsibilities such as coaching, training, mentoring their employees; monitoring and correcting employee performance; addressing personnel issues; ensuring compliance with such federal mandates as Federal Wage and Hour laws, FMLA, etc. This failure contributes to turnover as employees become frustrated with the lack of supervisor support and responsiveness, jeopardizes client services as new attorneys are left without adequate supervision, and leaves the state at risk of liability due to these management failures.

Mission Statement

The mission of the Missouri State Public Defender System is to provide high quality, zealous advocacy for indigent people who are accused of crime in the State of Missouri.

The lawyers, administrative staff, and support staff of the Public Defender System will ensure that this advocacy is not comprised.

To provide this uncompromised advocacy, the Missouri State Defender System will supply each client with a high-quality, competent, ardent defense team at every stage of the process in which public defenders are necessary.

What Does a Public Defender Do?

Every Missouri Public Defender is an attorney, licensed to practice law in the State of Missouri. When an individual is accused of a crime and requests a lawyer, a referral is made to the public defender office handling the cases in the county where the charge has originated. After an accused makes application for public defender services, the public defender makes a determination using financial guidelines established by the State Public Defender Commission as to whether or not the accused is indigent and eligible for public defender representation. If the accused is found eligible by the defender, the defender undertakes representation of the accused. If the defender does not find the accused eligible, the accused may appeal the defender's determination to the court. Only then, and only if the court disagrees with the defender's determination, may the court order the defender to represent the accused.

In most jurisdictions, the public defender is the legal counsel for 75-80% of the cases on the criminal docket. The process of representing the indigent accused includes representing the client in all facets of the case. Defenders must interview witnesses, file for discovery, prepare and file appropriate motions, negotiate with the prosecution, prepare trial strategy and do the legal research necessary to provide representation to the client in a court of law. Representation of the accused extends to an appeal if, after the trial, the defendant is found guilty and to probation revocation matters.

MSPD has had no addition to its staff in six years while its caseload has risen by over 12,000 cases. According to an independent assessment by the Spangenberg Group in October, 2005, MSPD is operating in crisis mode and "the probability that public defenders are failing to provide effective assistance of counsel and are violating their ethical obligations to their clients increases every day."

Unlike every other state agency, MSPD only does one thing and it is constitutionally mandated. MSPD has no mechanism with which to control or reduce its workload to correspond with its staffing levels, short of refusing cases and throwing the state of Missouri into federal court for constitutionally violating the right of indigent clients to effective assistance of counsel.

An American Bar Association Opinion issued on July 6th, 2006 reiterates that Public Defenders are as obligated as any other attorney under their ethical and professional obligations to refuse cases when caseloads become too high for them to adequately handle the workload and to provide adequate representation. In Missouri, there is currently no back-up plan in place for provision of counsel, should the public defenders have to refuse cases in accordance with their ethical and professional obligations not to take on more cases than they can effectively handle.

Using data from fiscal year 2006, a composite example of a “typical trial division public defender” can be developed. In Fiscal Year 2006, the Trial Division of the Public Defender System opened 86,368 new cases. In Fiscal Year 2006, the Trial Division was allocated 292 attorney positions. Therefore, the “typical trial division public defender” opened 296 cases. This is well above the Department of Justice’s National Advisory Commission on Criminal Justice Standards (NAC) recommended caseload for public defenders. The NAC standard is 225 cases per year.

The breakdown by category of cases handled by the ”typical trial division defender” is shown below:

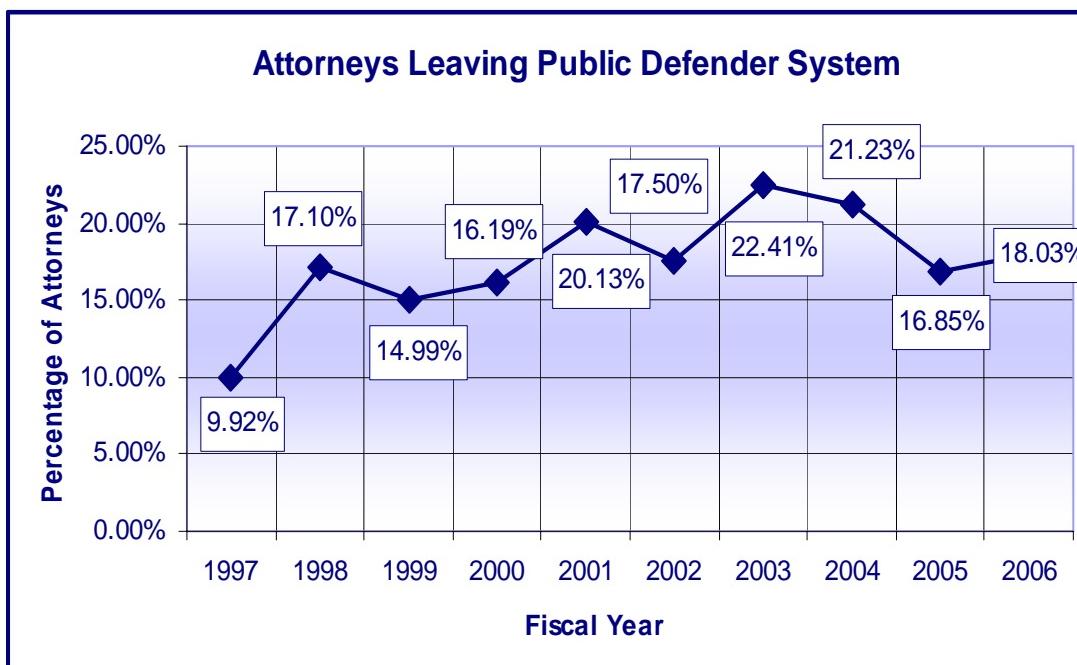
| FY2006 State Public Defender—Trial Division Typical Caseload | |
|--|------------|
| Description | # of Cases |
| Homicide | 1 |
| A-B Felony | 24 |
| C-D Felony | 96 |
| Misdemeanor | 61 |
| Traffic | 35 |
| Juvenile | 13 |
| Probation Violations | 66 |
| | |
| Total Average Caseload Per Trial Division Attorney | 296 |

Providing effective assistance of counsel in each case demands a well-trained, highly experienced corps of dedicated attorneys and support staff.

Over the last six years, MSPD has experienced the equivalent of 116% turnover in its attorney staff, averaging a 20% turnover each year. This past year, repositioning adjustment increases were given to MSPD attorneys to try to stem the flow, but the problem is far from solved. Staggering student debt loans (\$60,000–\$100,000) make it impossible for even those called to public interest employment to work for MSPD, make their loan payments, and provide for themselves and their families.

Public Defender salaries have not kept pace with those in the rest of the legal community. As a result of the relatively low salaries, high caseloads and heavy student loan debt, attorney turnover continues to be a challenge.

In March of 2006, the Personnel Advisory Board of the Office of Administration reviewed the salaries of the Missouri Assistant Public Defenders. Their summary stated: “the pay of the Missouri Assistant Public Defenders is behind the pay of comparable jobs or jobs requiring similar training and experience in the labor market.” “...the minimum starting salary for MSPD Assistant Public Defenders would need to increase 14.5% to equate to the reported average minimum rate of pay of collected survey data.”



Caseload and Cost Highlights

A. Caseload

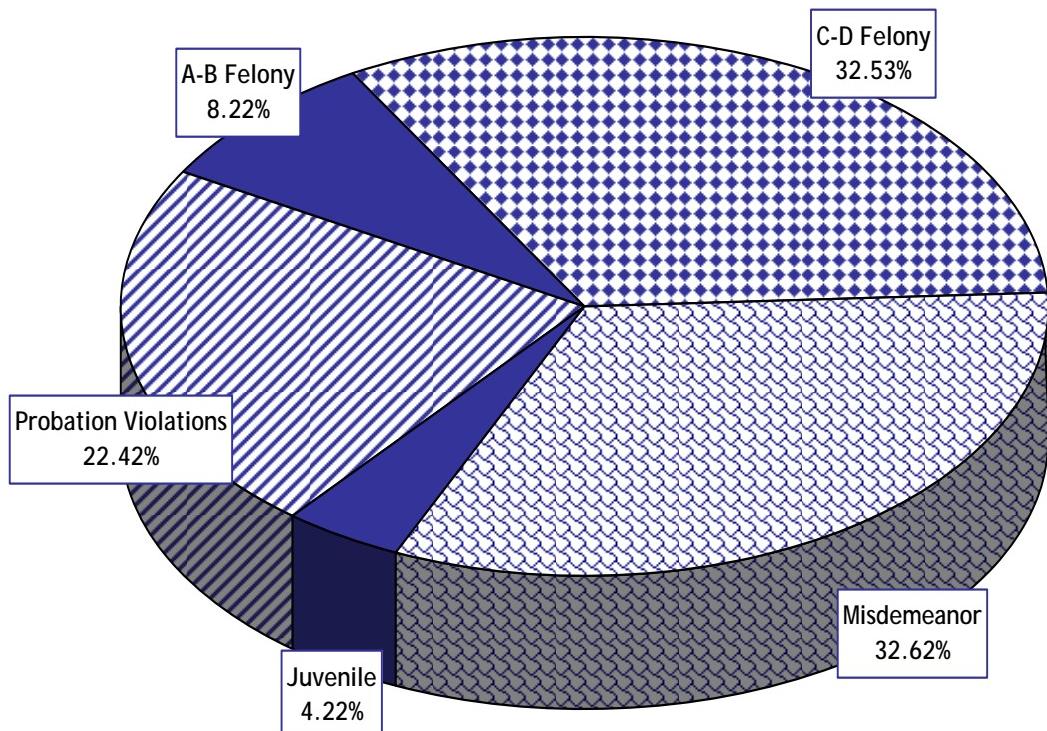
1. New Cases

The State Public Defender System's Trial Division opened 86,368 new cases in Fiscal Year 2006, an increase of 547 from Fiscal Year 2005 or .065%.

MSPD has had no addition to its staff in six years while its caseload has risen by over 12,000 cases. Unlike every other state agency, MSPD only does one thing and it is constitutionally mandated. MSPD has no mechanism with which to control or reduce its workload to correspond with its staffing levels, short of refusing cases and throwing the state of Missouri into federal court for constitutionally violating the right of indigent clients to effective assistance of counsel.

| Fiscal Year 2006 Trial Division Opened Cases by Case Type | | |
|---|---|--------------|
| Type Code | Description | Cases Opened |
| 10 | Murder - Death Penalty | 8 |
| 15 | Homicide - Non Capital | 111 |
| 62 | Sexually Violent Predator | 38 |
| 20 | Other Homicides | 139 |
| 30 | A-B Felonies | 6,802 |
| 35 | C-D Felonies | 28,092 |
| 40 | Misdemeanor | 15,826 |
| 45 | Misdemeanor - Traffic | 12,345 |
| 50 | Juvenile Status | 496 |
| 52 | Juvenile Criminal | 3,146 |
| 65 | Probation Violation | 19,365 |
| | | |
| | Total Trial Division Cases Opened 2006 | 86,368 |
| | | |

Fiscal Year 2006
Trial Division Opened Cases
By Case Type



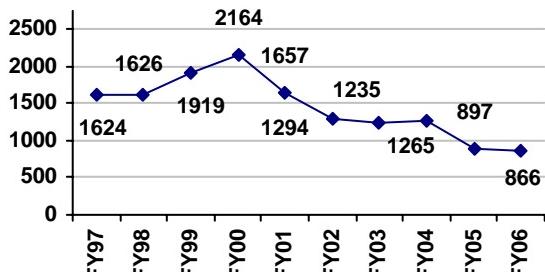
| | |
|----------------------------------|--|
| Felony Cases Opened | 35,190 or 40.74% of the total caseload |
| Misdemeanor Cases Opened | 28,171 or 32.62% of the total caseload |
| Probation Violation Cases Opened | 19,365 or 22.42% of the total caseload |
| Juvenile Cases Opened | 3,642 or 4.22% of the total caseload |

TRIAL DIVISION NEW CASES OPENED
FIVE FISCAL YEAR COMPARISONS - FY2002 to FY2006
BY DISTRICT

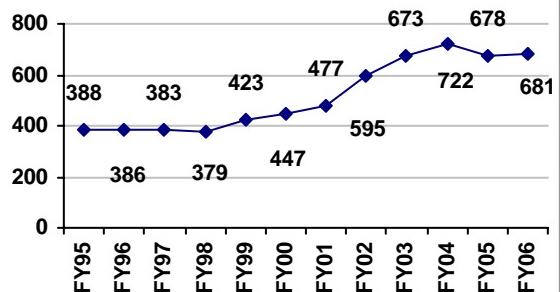
| District # | District Name | FY02 Cases Opened | FY03 Cases Opened | FY04 Cases Opened | FY05 Cases Opened | FY06 Cases Opened | # Change 2002 to 2006 | % Change 2002 to 2006 |
|-----------------------------|----------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-----------------------|-----------------------|
| 1 | St. Louis Juvenile | 1,294 | 1,235 | 1,265 | 897 | 866 | -428 | -33.08% |
| 2 | Kirksville | 595 | 673 | 722 | 678 | 681 | 86 | 14.45% |
| 4 | Maryville | 617 | 708 | 736 | 627 | 531 | -86 | -13.94% |
| 5 | St. Joseph | 2,192 | 2,317 | 2,276 | 2,336 | 2,417 | 225 | 10.26% |
| 6 | Kansas City Juvenile | 996 | 1,306 | 1,322 | 1,434 | 1,203 | 207 | 20.78% |
| 7 | Liberty | 3,358 | 3,593 | 3,582 | 3,489 | 3,415 | 57 | 1.70% |
| 10 | Hannibal | 1,302 | 1,483 | 1,588 | 1,670 | 1,546 | 244 | 18.74% |
| 11 | St. Charles | 1,943 | 1,824 | 1,680 | 1,670 | 1,710 | -233 | -11.99% |
| 12 | Fulton | 1,536 | 1,645 | 1,778 | 1,964 | 1,780 | 244 | 15.89% |
| 13 | Columbia | 3,933 | 4,044 | 4,348 | 4,082 | 4,713 | 780 | 19.83% |
| 14 | Moberly | 1,268 | 1,378 | 1,536 | 1,628 | 1,556 | 288 | 22.71% |
| 15 | Sedalia | 1,558 | 1,780 | 2,018 | 1,934 | 2,002 | 444 | 28.50% |
| 16 | Kansas City | 8,115 | 9,210 | 9,577 | 8,520 | 8,135 | 20 | 0.25% |
| 17 | Harrisonville | 2,281 | 2,554 | 2,627 | 2,655 | 2,656 | 375 | 16.44% |
| 19 | Jefferson City | 1,135 | 1,318 | 1,264 | 1,120 | 1,214 | 79 | 6.96% |
| 20 | Union | 1,615 | 1,946 | 1,615 | 1,534 | 1,479 | -136 | -8.42% |
| 21 | St. Louis County | 4,121 | 3,553 | 3,204 | 3,698 | 3,968 | -153 | -3.71% |
| 22 | St. Louis City | 7,543 | 5,928 | 7,848 | 7,649 | 6,924 | -619 | -8.21% |
| 23 | Hillsboro | 1,584 | 1,852 | 1,897 | 2,614 | 1,915 | 331 | 20.90% |
| 24 | Farmington | 1,987 | 2,213 | 2,312 | 2,163 | 2,275 | 288 | 14.49% |
| 25 | Rolla | 3,001 | 3,274 | 3,489 | 3,202 | 3,926 | 925 | 30.82% |
| 26 | Lebanon | 2,429 | 2,727 | 2,501 | 2,630 | 2,844 | 415 | 17.09% |
| 28 | Nevada | 1,288 | 1,268 | 1,338 | 1,407 | 1,213 | -75 | -5.82% |
| 29 | Carthage | 4,444 | 4,225 | 4,306 | 4,372 | 4,166 | -278 | -6.26% |
| 30 | Buffalo | 1,189 | 1,622 | 1,900 | 1,926 | 1,903 | 714 | 60.05% |
| 31 | Springfield | 3,787 | 4,165 | 4,562 | 4,923 | 5,561 | 1,774 | 46.84% |
| 32 | Cape Girardeau | 2,522 | 2,890 | 2,837 | 2,562 | 2,863 | 341 | 13.52% |
| 34 | Caruthersville | 1,167 | 1,123 | 1,049 | 1,062 | 1,112 | -55 | -4.71% |
| 35 | Kennett | 1,737 | 1,838 | 1,951 | 1,694 | 1,693 | -44 | -2.53% |
| 36 | Poplar Bluff | 1,573 | 1,708 | 1,712 | 1,844 | 1,871 | 298 | 18.94% |
| 37 | West Plains | 999 | 1,025 | 1,170 | 1,071 | 1,152 | 153 | 15.32% |
| 39 | Monett | 2,437 | 2,438 | 2,074 | 2,058 | 2,215 | -222 | -9.11% |
| 43 | Chillicothe | 2,356 | 2,444 | 2,685 | 2,519 | 2,590 | 234 | 9.93% |
| 44 | Ava | 611 | 740 | 686 | 817 | 865 | 254 | 41.57% |
| 45 | Troy | 932 | 999 | 1,240 | 1,372 | 1,366 | 434 | 46.57% |
| 49 | St. Louis Conflicts | 718 | 645 | | 0 | | -718 | -100.00% |
| 71 | Commitment Defense | | | | | 42 | | |
| Total Trial Division | | 80,163 | 83,691 | 86,695 | 85,821 | 86,368 | 6,163 | 8.35% |
| New Cases | | | | | | | | |
| | | FY2002 | FY2003 | FY2004 | FY2005 | FY2005 | FY02 to FY06 | |

New Cases Opened - By District FY1995 to FY2006

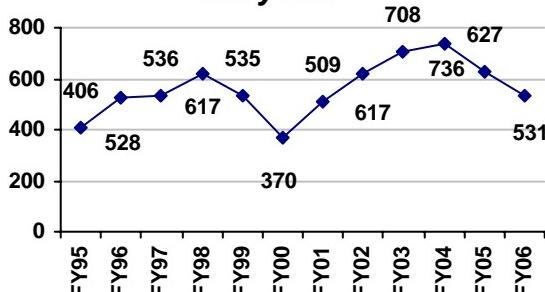
DISTRICT 1
- St. Louis Juvenile -



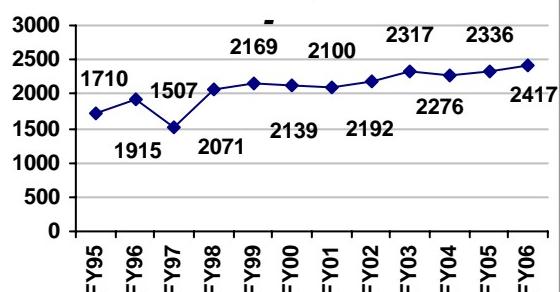
DISTRICT 2
- Kirksville -



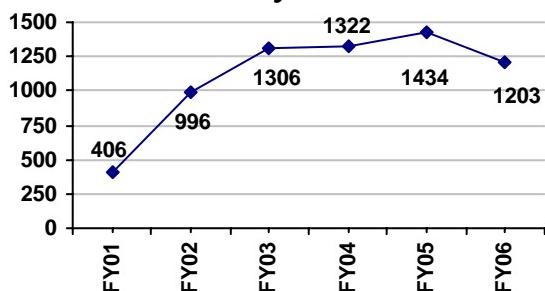
DISTRICT 4
- Maryville -



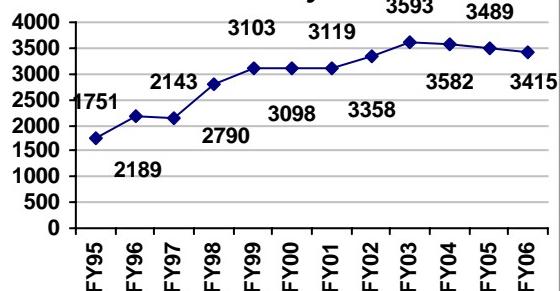
DISTRICT 5
- St. Joseph -



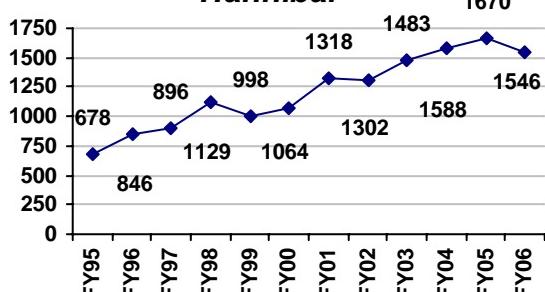
DISTRICT 6
- Kansas City Juvenile -



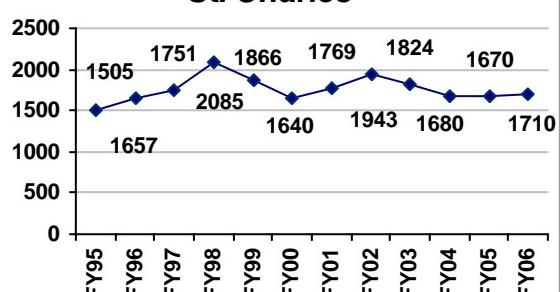
DISTRICT 7
- Liberty -



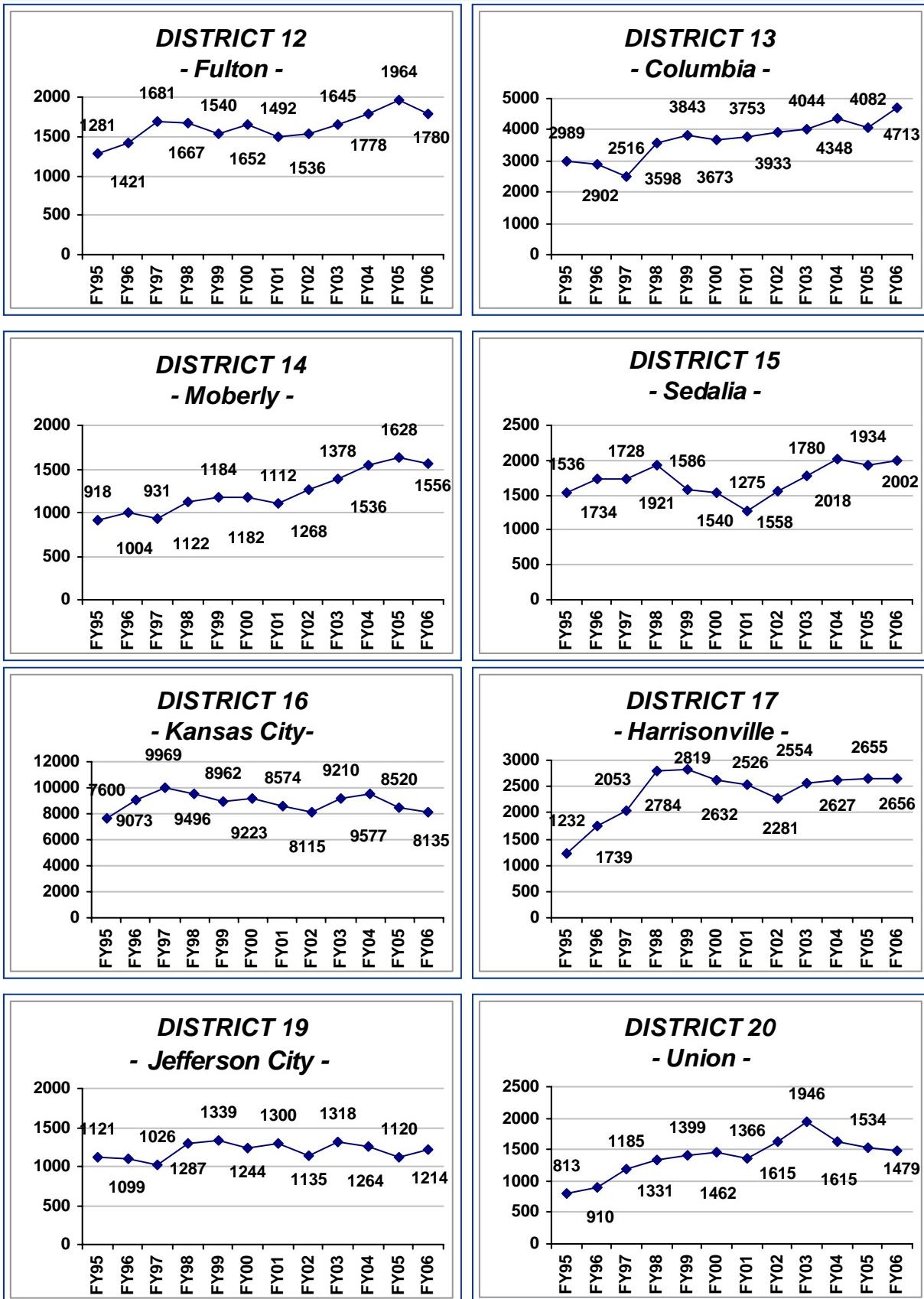
DISTRICT 10
- Hannibal -



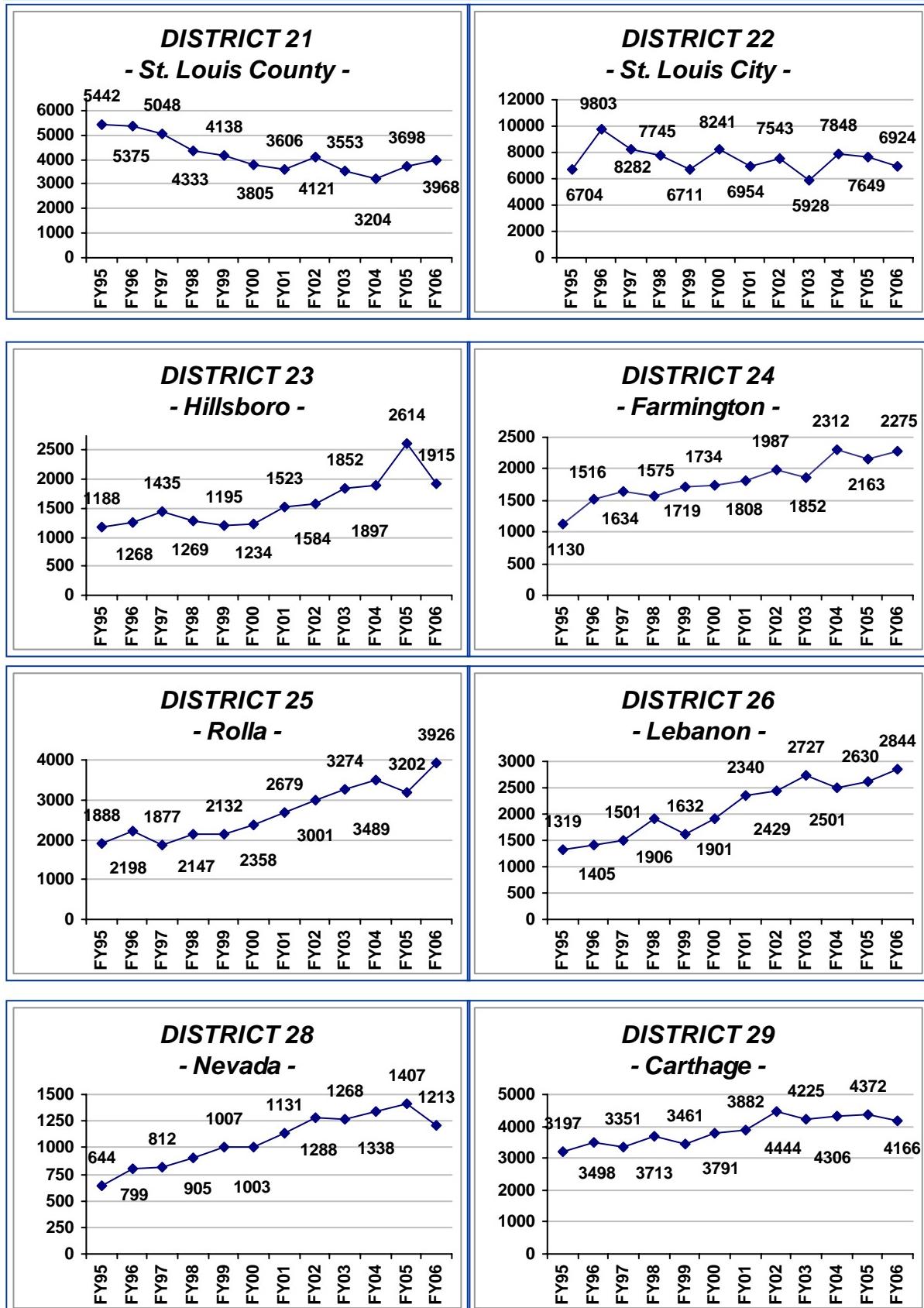
DISTRICT 11
- St. Charles -



New Cases Opened – By District FY1995 to FY2006

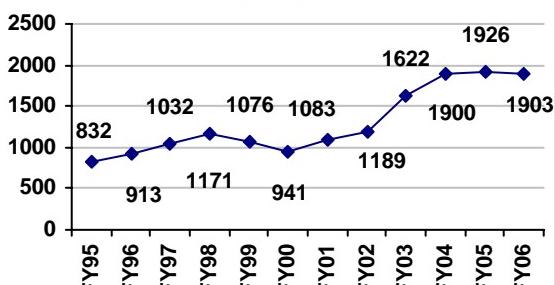


New Cases Opened - By District FY1995 to FY2006

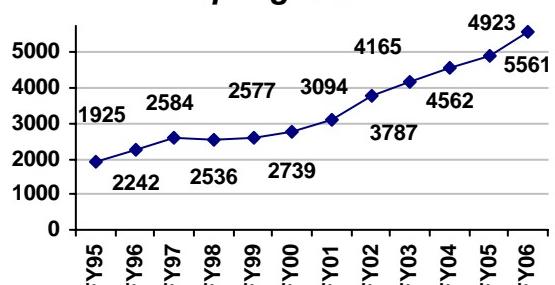


New Cases Opened – By District FY1995 to FY2006

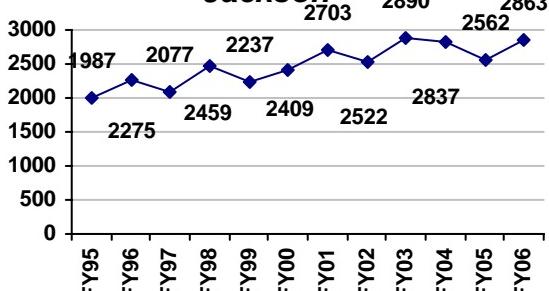
DISTRICT 30
- Bolivar -



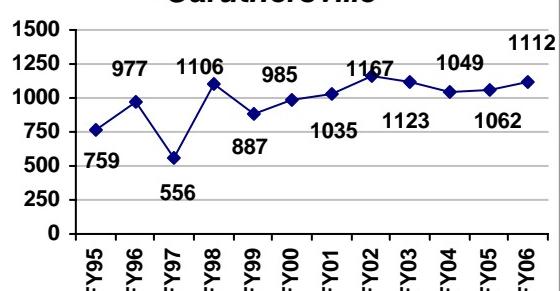
District 31
- Springfield -



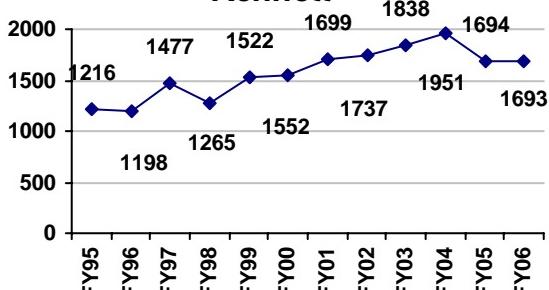
DISTRICT 32
- Jackson -



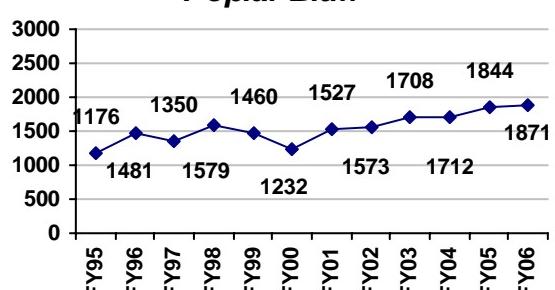
DISTRICT 34
- Caruthersville -



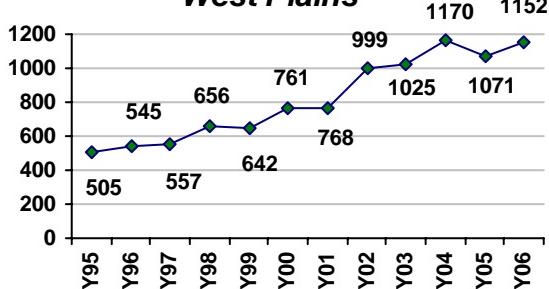
DISTRICT 35
- Kennett -



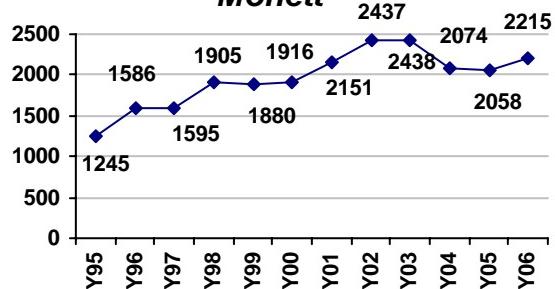
DISTRICT 36
- Poplar Bluff -



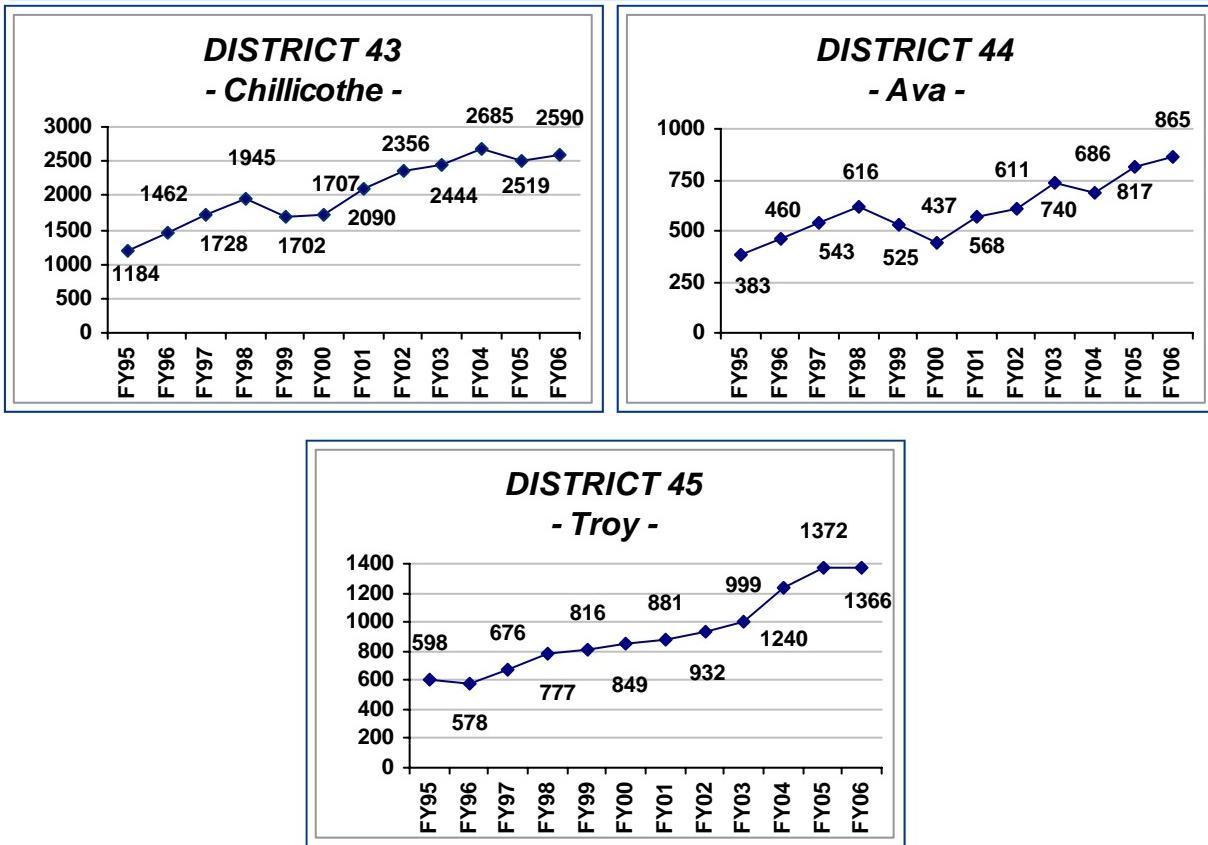
DISTRICT 37
- West Plains -



DISTRICT 39
- Monett -

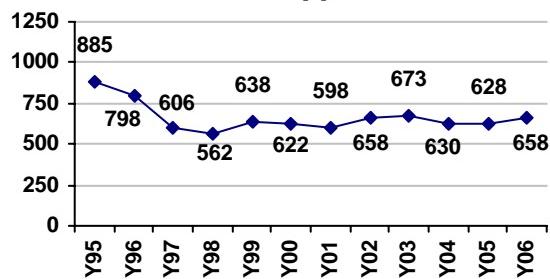


New Cases Opened - By District FY1995 to FY2006

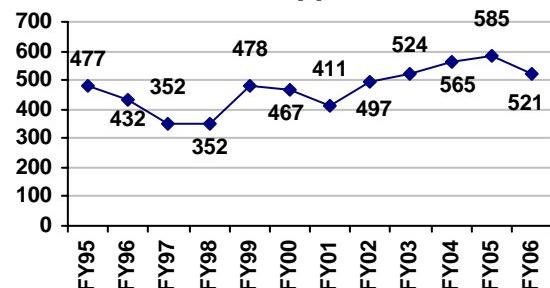


New Cases Opened - By District FY1995 to FY2006

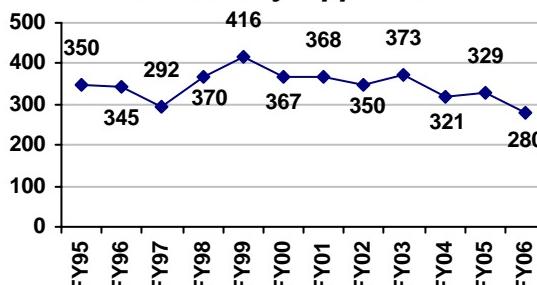
DISTRICT 50 & 67
- Columbia Appellate -



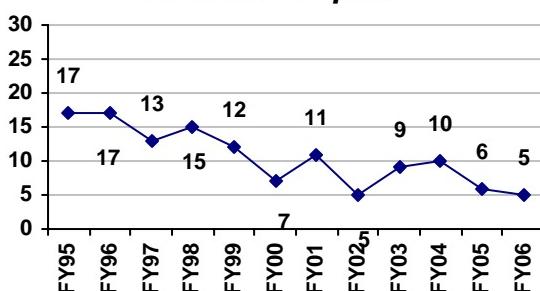
DISTRICT 51 & 68
- St. Louis Appellate -



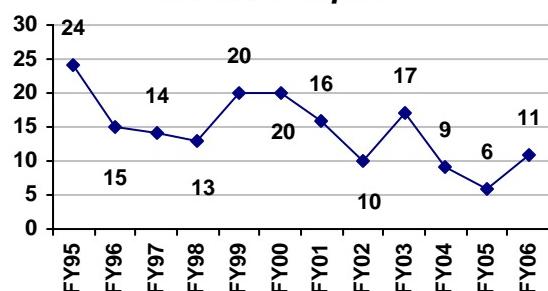
DISTRICT 52 & 69
- Kansas City Appellate -



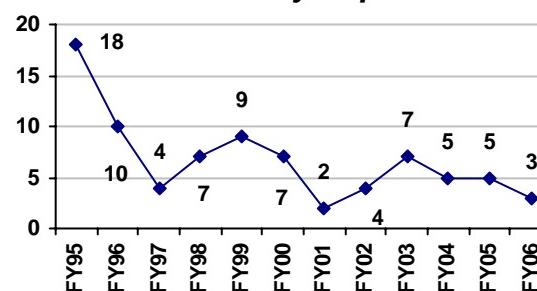
DISTRICT 53
- Columbia Capital -



DISTRICT 54
- St. Louis Capital -



DISTRICT 55
- Kansas City Capital -



FY2006 TRIAL DIVISION ASSIGNED CASES BY CHARGE CODE

| Charge Code | Description | Total | A-B Felonies | C-D Felonies | 40 Misd. | 45 Traffic | 50 Juv | 52 Juv | 65 PV | Other |
|-------------|---|--------|--------------|--------------|----------|------------|--------|--------|--------|-------|
| 001.000 | Probation Violation | 12,722 | | 12 | 39 | 4 | 100 | 77 | 12,481 | 9 |
| 001.100 | Juvenile | 549 | | 1 | 0 | | 20 | 527 | 1 | 0 |
| 001.110 | Juvenile Injurious Behavior | 216 | | | 0 | | 208 | 8 | | 0 |
| 001.115 | Juvenile Review Hearing | 71 | | | 0 | | 70 | 1 | | 0 |
| 001.120 | Juvenile PV Only | 96 | | | 0 | | 43 | 38 | 15 | 0 |
| 001.125 | Juvenile Status | 29 | | | 0 | | 25 | 3 | 1 | 0 |
| 001.130 | Juvenile Misdemeanor | 33 | | | 1 | | | 31 | 1 | 0 |
| 001.135 | Juvenile Felony C-D (Cert.) | 0 | | | 0 | | | | | 0 |
| 001.140 | Juvenile Felony A-B (Cert.) | 2 | | | 0 | | | 2 | | 0 |
| 001.145 | Juvenile Felony C-D | 50 | | | 0 | | 1 | 46 | 3 | 0 |
| 001.150 | Juvenile Felony A-B | 20 | | 2 | 0 | | | 17 | 1 | 0 |
| 001.155 | Juvenile Murder 1st/2nd (Cert.) | 2 | | | 0 | | | 2 | | 0 |
| 001.160 | Juvenile Homicide (Cert.) | 0 | | | 0 | | | | | 0 |
| 001.165 | Juvenile Homicide | 0 | | | 0 | | | | | 0 |
| 043.170 | Failure to stop for Hwy Patrol | 7 | | | 2 | 5 | | | | 0 |
| 064.295 | Zoning Violations | 3 | | | 3 | | | | | 0 |
| 070.441 | Violating Rules/Regulations of Rapid Transit | 1 | | | 1 | | | | | 0 |
| 115.631 | Election Offense Class I | 1 | | 1 | 0 | | | | | 0 |
| 142.830 | Operating as Interstate Motor Fuel user | 1 | | | 1 | | | | | 0 |
| 143.931 | Failure to file MO tax return | 3 | | 2 | 0 | | | 1 | | 0 |
| 143.941 | False statement of tax return | 1 | | | 0 | | | | 1 | 0 |
| 144.083 | Retail Sales w/o a license | 1 | | | 1 | | | | | 0 |
| 144.480 | Failure to pay state sales tax | 2 | | 2 | 0 | | | | | 0 |
| 167.031 | Compulsory school attendance MC | 48 | | | 39 | | | 9 | | 0 |
| 167.061 | Educational neglect | 2 | | | 2 | | | | | 0 |
| 190.308 | Misuse of 911 phone service | 13 | | | 11 | | | 1 | 1 | 0 |
| 191.677 | Risk of infecting another w/HIV FD | 3 | 3 | 0 | | | | | | 0 |
| 191.905 | Abuse of a Person Receiving Health Care | 0 | | | 0 | | | | | 0 |
| 192.490 | Violation of a law or regulation, Misdemeanor | 3 | | | 1 | | 1 | 1 | | 0 |
| 194.410 | Disturbing human burial site | 0 | | | 0 | | | | | 0 |
| 194.425 | Abandonment of a corpse | 1 | | 1 | 0 | | | | | 0 |
| 195.130 | Maintaining a public nuisance | 9 | | 7 | 0 | | | | 2 | 0 |
| 195.202 | Drug Possession | 8,367 | 61 | 6,019 | 1,310 | 23 | 2 | 111 | 839 | 2 |
| 195.203 | Possession Under 35 Grams | 291 | | 2 | 268 | 1 | | 5 | 14 | 1 |
| 195.204 | Fraudulent attempt to obtain cont. sub. | 124 | | 100 | 0 | | | | 24 | 0 |
| 195.211 | Distribution/delivery/manufacture FA/B/C | 2,573 | 2,139 | 105 | 1 | | | 23 | 305 | 0 |
| 195.212 | Unlawful distribution to minor | 8 | 7 | | 1 | | | | | 0 |
| 195.213 | Unlawful purchase or transport with a minor | 2 | 2 | | 0 | | | | | 0 |
| 195.214 | Dist. drugs within 1000 ft of a school FA | 101 | 88 | 1 | 0 | | | 4 | 8 | 0 |
| 195.218 | Dist. drugs within 1000 ft of public housing | 64 | 62 | | 0 | | | | 2 | 0 |
| 195.219 | Unlawful Endangerment of Property | 0 | | | 0 | | | | | 0 |
| 195.222 | Drug trafficking FD | 88 | 84 | 1 | 0 | | | | 3 | 0 |
| 195.223 | Drug trafficking SD | 549 | 501 | 25 | 0 | | | 7 | 16 | 0 |
| 195.226 | Furnishing materials for producing cont. sub. | 1 | | 1 | 0 | | | | | 0 |
| 195.233 | Use of drug paraphernalia MA | 950 | 3 | 57 | 813 | 15 | | 12 | 50 | 0 |
| 195.235 | Delivery or manufacture of drug paraphernalia | 35 | 1 | 24 | 6 | | | | 4 | 0 |
| 195.241 | Possession of an imitation drug | 5 | | | 4 | | | | 1 | 0 |
| 195.242 | Delivery or manufacture of an imitation drug | 27 | 1 | 16 | 0 | | | 1 | 9 | 0 |
| 195.246 | Possession of ephedrine | 123 | | 92 | 1 | | | | 30 | 0 |
| 195.252 | Fail to Keep Records of Controlled Substance | 0 | | | 0 | | | | | 0 |
| 195.254 | Delivery by manufacturer or distributor | 10 | 4 | 2 | 0 | | | | 4 | 0 |
| 195.291 | Persistent drug offender | 0 | | | 0 | | | | | 0 |
| 195.410 | Possession of chemicals for meth. | 5 | | 2 | 0 | | | | 3 | 0 |
| 195.417 | Over the Counter sale of Meth Precursor | 7 | | | 7 | | | | | 0 |
| 195.420 | Creation of a controlled substance | 168 | 2 | 133 | 1 | | | | 32 | 0 |

FY2006 TRIAL DIVISION ASSIGNED CASES BY CHARGE CODE

| Charge Code | Description | Total | A-B Felonies | C-D Felonies | 40 Misd. | 45 Traffic | 50 Juv | 52 Juv | 65 PV | Other |
|-------------|---|-------|--------------|--------------|----------|------------|--------|--------|-------|-------|
| 210.104 | Failure to provide child safety restraint | 20 | | | 9 | 10 | | | 1 | 0 |
| 211.031 | Exclusive jurisdiction of juvenile court | 23 | | | 1 | | 4 | 18 | | 0 |
| 217.360 | Possession of cont. substance-corr. facility | 89 | 12 | 70 | 3 | | | | 4 | 0 |
| 217.365 | Possession of contraband in penal Institution | 5 | | 2 | 3 | | | | 0 | |
| 217.385 | Committing violence | 82 | 72 | 10 | 0 | | | | 0 | |
| 217.490 | Multi-State Agreement on Detainers | 3 | | 2 | 0 | | | | 1 | |
| 221.111 | Delivering/possessing prohibited articles in jail | 131 | 15 | 72 | 37 | | | | 7 | 0 |
| 221.353 | Damage to jail property FD | 68 | | 63 | 0 | | | | 5 | 0 |
| 252.040 | Pursuing/taking wildlife | 45 | | | 44 | | | | 1 | 0 |
| 252.045 | Operation of MV on conservation property | 1 | | | 0 | 1 | | | 0 | |
| 252.060 | Failure to Display a Fishing License | 3 | | | 3 | | | | 0 | |
| 260.212 | Criminal disposition of solid waste | 0 | | | 0 | | | | 0 | |
| 260.270 | Unlawful disposal of tires by burning | 1 | | | 1 | | | | 0 | |
| 269.020 | Failure to dispose of dead animal carcass | 1 | | | 1 | | | | 0 | |
| 273.329 | Operating Animal Shelter w/o a license | 1 | | | 1 | | | | 0 | |
| 287.128 | Workers compensation fraud/MA | 5 | | | 5 | | | | 0 | |
| 288.380 | Illegal unemployment compensation | 0 | | | 0 | | | | 0 | |
| 301.020 | Failure to register | 301 | | 5 | 67 | 228 | | | 1 | 0 |
| 301.120 | Failure to return plates | 9 | | | 0 | 9 | | | 0 | |
| 301.130 | Failure to display valid plates | 211 | | 1 | 44 | 166 | | | 0 | |
| 301.140 | Displaying plates of another | 141 | | | 28 | 113 | | | 0 | |
| 301.190 | Certificate of ownership | 10 | | | 2 | 8 | | | 0 | |
| 301.210 | Sell/Purchase Mtr Veh or Trailer | 6 | | | 3 | 3 | | | 0 | |
| 301.277 | Failure to register non-resident vehicle | 2 | | | 0 | 2 | | | 0 | |
| 301.320 | Displaying another states plates | 14 | | | 2 | 12 | | | 0 | |
| 301.390 | Sale of vehicle with altered VIN | 4 | | 2 | 0 | | | | 2 | 0 |
| 301.400 | Removing/defacing manufacturer numbers FC | 0 | | | 0 | | | | 0 | |
| 301.420 | False Statement on Registration Application | 0 | | | 0 | | | | 0 | |
| 301.707 | Failure to register an all-terrain vehicle | 0 | | | 0 | | | | 0 | |
| 302.020 | Operating MV without a valid license | 641 | | 68 | 238 | 274 | | | 61 | 0 |
| 302.025 | Financial responsibility while operating vehicle | 0 | | | 0 | | | | 0 | |
| 302.178 | Failure to comply with immediate license | 7 | | | 2 | 5 | | | 0 | |
| 302.200 | Operating MV w/out new license after revoked | 22 | | | 13 | 9 | | | 0 | |
| 302.210 | Purchase of vehicle without receiving full title | 2 | | | 0 | 2 | | | 0 | |
| 302.220 | Possession of altered driver's license | 12 | | | 8 | 4 | | | 0 | |
| 302.230 | Making false stmt to obtain driver's license M | 1 | | | 0 | 1 | | | 0 | |
| 302.233 | Committing Fraud to Obtain Driver's license MA | 1 | | | 1 | | | | 0 | |
| 302.260 | Unlicensed person operating motor vehicle | 11 | | | 2 | 9 | | | 0 | |
| 302.321 | Driving while suspended or revoked | 5,990 | 1 | 515 | 3,047 | 2,216 | | | 211 | 0 |
| 302.340 | Prohibited Use of a License | 0 | | | 0 | | | | 0 | |
| 302.725 | Driving w/o commercial driver's license | 4 | | | 3 | 1 | | | 0 | |
| 302.780 | Driving commercial vehicle under influence | 2 | | | 2 | | | | 0 | |
| 303.024 | Failure to provide evidence of insurance | 76 | | | 15 | 60 | | | 1 | 0 |
| 303.025 | Operating MV w/out financial responsibility | 597 | | | 165 | 429 | | | 3 | 0 |
| 303.041 | Failure to maintain financial responsibility | 40 | | | 20 | 19 | | | 1 | 0 |
| 303.370 | Driving while revoked or suspended for 303.025 | 544 | | | 123 | 419 | | | 2 | 0 |
| 304.000 | Traffic | 66 | | 3 | 4 | 54 | | | 5 | 0 |
| 304.010 | Speeding | 403 | | 1 | 38 | 356 | | | 8 | 0 |
| 304.012 | Careless and imprudent driving | 349 | | 2 | 88 | 250 | | | 9 | 0 |
| 304.013 | Operating ATV's illegally | 4 | | | 1 | 3 | | | 0 | |
| 304.015 | Failure to drive on right side of the road | 300 | | 1 | 26 | 272 | | | 1 | 0 |
| 304.016 | Violation of passing regulation | 18 | | | 0 | 18 | | | 0 | |
| 304.017 | Following too closely | 23 | | | 3 | 19 | | | 1 | 0 |
| 304.019 | Failure to signal | 65 | | | 4 | 61 | | | 0 | |
| 304.022 | Failure to yield to emergency vehicle | 74 | | | 12 | 62 | | | 0 | |

FY2006 TRIAL DIVISION ASSIGNED CASES BY CHARGE CODE

| Charge Code | Description | Total | A-B Felonies | C-D Felonies | 40 Misd. | 45 Traffic | 50 Juv | 52 Juv | 65 PV | Other |
|-------------|--|-------|--------------|--------------|----------|------------|--------|--------|-------|-------|
| 304.050 | Failure to stop for a school bus | 6 | | | 3 | 3 | | | | 0 |
| 304.151 | Failure to move vehicle obstructing traffic | 0 | | | 0 | | | | | 0 |
| 304.220 | Weight Limit Violation | 0 | | | 0 | | | | | 0 |
| 304.271 | Failure to stop at stop sign | 36 | | 1 | 1 | 34 | | | | 0 |
| 304.281 | Failure to stop at signal or crosswalk | 20 | | | 1 | 18 | | 1 | 0 | |
| 304.341 | Turns at intersection violation penalty | 3 | | | 0 | 3 | | | | 0 |
| 304.351 | Failure to yield right-of-way | 89 | | | 8 | 81 | | | | 0 |
| 304.665 | Juvenile in bed of truck | 3 | | | 1 | 2 | | | | 0 |
| 306.111 | Neg. operation vessel/intoxicated/manslaughter | 6 | | | 5 | | | 1 | 0 | |
| 306.124 | Fastening or damaging navigation aid w/vessel | 2 | | | 1 | | | 1 | 0 | |
| 307.040 | Failure to display stop & turn signals on trailer | 9 | | | 1 | 8 | | | | 0 |
| 307.045 | Faulty headlights | 9 | | 1 | 0 | 8 | | | | 0 |
| 307.060 | Multiple Beam Headlamps Arrangement Violation | 1 | | | 0 | 1 | | | | 0 |
| 307.070 | Failure to dim lights w/in 500 ft oncoming vehicle | 5 | | | 1 | 4 | | | | 0 |
| 307.075 | Failure to equip trailer with tail lights | 21 | | | 3 | 18 | | | | 0 |
| 307.105 | Limitation of total lamps lighted at one time | 7 | | | 0 | 7 | | | | 0 |
| 307.170 | Operating vehicle with excessive noise | 6 | | | 0 | 5 | | 1 | 0 | |
| 307.173 | Vision reducing material applied to windows | 6 | | | 2 | 4 | | | | 0 |
| 307.178 | Seat belt violation | 120 | | | 15 | 104 | | 1 | 0 | |
| 307.350 | Motor vehicles, biennial inspection required | 5 | | | 1 | 4 | | | | 0 |
| 307.400 | Operating commercial vehicle without service | 12 | | | 4 | 8 | | | | 0 |
| 311.050 | Sale of Intoxicating Liquor w/o a License | 0 | | | 0 | | | | | 0 |
| 311.310 | Supplying liquor to a minor | 55 | | | 52 | | | 3 | 0 | |
| 311.320 | Misdemeanor Misrepresentation of Age by Minor | 3 | | | 3 | | | | | 0 |
| 311.325 | Possession of liquor by a minor | 276 | | 2 | 249 | 3 | 6 | 16 | 0 | |
| 311.328 | Altering operator's license or ID card | 1 | | | 1 | | | | | 0 |
| 311.329 | Possessing altered operator's license or ID card | 1 | | | 1 | | | | | 0 |
| 311.550 | Sale of liquor without a license | 0 | | | 0 | | | | | 0 |
| 311.880 | Sale of alcohol to minor | 0 | | | 0 | | | | | 0 |
| 312.405 | Misrepresentation of age by minor to obtain beer | 0 | | | 0 | | | | | 0 |
| 312.407 | Possess of non-intoxicating liquor by minor | 0 | | | 0 | | | | | 0 |
| 313.380 | Possession of Device Violate 313.800-313.850 | 0 | | | 0 | | | | | 0 |
| 313.817 | Presenting false ID to enter gaming est. | 5 | | | 4 | 1 | | | | 0 |
| 313.830 | Cheating a gambling game | 3 | | 3 | 0 | | | | | 0 |
| 320.151 | Sale of Fireworks to a minor | 0 | | | 0 | | | | | 0 |
| 324.520 | Performing body piercing on a minor | 2 | | | 1 | | | 1 | 0 | |
| 335.086 | Use of Fraudulent Credentials | 1 | | 1 | 0 | | | | | 0 |
| 367.045 | Failure to repay pawnbroker MB | 1 | | 1 | 0 | | | | | 0 |
| 378.385 | Commit perjury while receiving public assistance | 0 | | | 0 | | | | | 0 |
| 390.063 | Operating Motor Vehicle w/ Defective Equipment | 0 | | | 0 | | | | | 0 |
| 407.020 | Unlawful merchandising practices | 4 | | 2 | 0 | | | 2 | 0 | |
| 407.536 | Odometer fraud FD | 0 | | | 0 | | | | | 0 |
| 407.933 | Possession of cigarettes by a minor | 2 | | | 2 | | | | | 0 |
| 409.410 | Sale - unregistered securities | 0 | | | 0 | | | | | 0 |
| 409.501 | Securites Fraud | 2 | 1 | 1 | 0 | | | | | 0 |
| 454.440 | Failing to complete an information statement | 11 | | | 8 | | | 3 | 0 | |
| 455.085 | Violation of a protective order | 675 | | 33 | 601 | | | 40 | 1 | |
| 455.538 | Violation of an order of child protection | 20 | | | 18 | | | 2 | 0 | |
| 468.350 | As owner operator/auth another to op | 0 | | | 0 | | | | | 0 |
| 476.110 | Criminal contempt of court | 5 | | | 5 | | | | | 0 |
| 542.400 | Illegal wire tapping | 0 | | | 0 | | | | | 0 |

FY2006 TRIAL DIVISION ASSIGNED CASES BY CHARGE CODE

| Charge Code | Description | Total | A-B Felonies | C-D Felonies | 40 Misd. | 45 Traffic | 50 Juv | 52 Juv | 65 PV | Other |
|-------------|---|-------|--------------|--------------|----------|------------|--------|--------|-------|-------|
| 544.665 | Failure to appear | 169 | 1 | 57 | 95 | 1 | 3 | | 12 | 0 |
| 548.131 | Fugitive from justice | 322 | 12 | 239 | 0 | | 3 | 61 | 1 | 6 |
| 557.035 | Hate crime C/D Fel | 0 | | | 0 | | | | | 0 |
| 557.036 | Persistent offender | 0 | | | 0 | | | | | 0 |
| 558.016 | Persistent misdemeanor offender | 0 | | | 0 | | | | | 0 |
| 562.036 | Possessing controlled substance w/intent to dist. | 26 | 11 | 7 | 0 | | | 1 | 7 | 0 |
| 564.011 | Attempt to commit an offense | 220 | 50 | 102 | 4 | | | 48 | 15 | 1 |
| 564.016 | Conspiracy FB | 25 | 4 | 15 | 0 | | | 1 | 5 | 0 |
| 565.020 | Murder 1st FA | 137 | 130 | | 0 | | | 5 | | 2 |
| 565.021 | Murder 2nd FA | 157 | 152 | | 0 | | | 3 | | 2 |
| 565.023 | Voluntary manslaughter FB | 0 | | | 0 | | | | | 0 |
| 565.024 | Involuntary manslaughter FC | 40 | 6 | 30 | 0 | | | 1 | 3 | 0 |
| 565.050 | Assault 1st FA/B | 493 | 444 | 2 | 0 | | | 27 | 10 | 10 |
| 565.060 | Assault 2nd | 884 | 9 | 688 | 2 | | | 67 | 116 | 2 |
| 565.065 | Unlawful endangerment of another FC | 1 | | 1 | 0 | | | | | 0 |
| 565.070 | Assault 3rd MA/C | 1,639 | | 9 | 1,256 | 2 | 5 | 277 | 86 | 4 |
| 565.072 | Domestic Assault 1st FC | 139 | 128 | 3 | 0 | | | | 7 | 1 |
| 565.073 | Domestic Assault 2nd FC | 1,171 | 15 | 1,077 | 6 | | | 1 | 72 | 0 |
| 565.074 | Domestic Assault 3rd FC | 2,117 | 2 | 52 | 1,846 | 2 | | 49 | 166 | 0 |
| 565.075 | Assault on school property - FD | 108 | | 14 | 0 | | | 91 | 3 | 0 |
| 565.081 | Assault law enforcement officer FA | 65 | 58 | 2 | 0 | | | 2 | 2 | 1 |
| 565.082 | Assault law enforcement officer | 216 | 71 | 116 | 5 | | | 11 | 13 | 0 |
| 565.083 | Assault law enforcement officer 3rd MA | 311 | 2 | | 282 | 1 | | 11 | 14 | 1 |
| 565.084 | Tampering with a judicial officer | 4 | | 4 | 0 | | | | | 0 |
| 565.085 | Crime of endangering a corrections employee | 8 | | 8 | 0 | | | | | 0 |
| 565.090 | Harassment MA | 165 | | | 155 | | | 3 | 7 | 0 |
| 565.092 | Aggravated harassment | 5 | | 3 | 2 | | | | | 0 |
| 565.100 | Tampering with evidence | 0 | | | 0 | | | | | 0 |
| 565.110 | Kidnapping FA/B | 57 | 52 | | 0 | | | 2 | 3 | 0 |
| 565.115 | Child Kidnapping - Class A Felony | 3 | 3 | | 0 | | | | | 0 |
| 565.120 | Felonious restraint FC | 45 | 1 | 40 | 0 | | | 2 | 2 | 0 |
| 565.130 | False imprisonment MA/FD | 11 | | | 6 | | | 4 | 1 | 0 |
| 565.150 | Interfering with Custody | 21 | | 9 | 10 | | | | 2 | 0 |
| 565.153 | Parental Kidnapping | 10 | 1 | 8 | 0 | | | | 1 | 0 |
| 565.156 | Child abduction | 14 | | 13 | 0 | | | | 1 | 0 |
| 565.165 | Assisting in child abduction or kidnapping | 0 | | | 0 | | | | | 0 |
| 565.180 | Elder abuse FD | 5 | 4 | 1 | 0 | | | | | 0 |
| 565.182 | Elder abuse SD | 7 | 7 | | 0 | | | | | 0 |
| 565.184 | Elder abuse TD | 13 | | | 13 | | | | | 0 |
| 565.188 | False report of elder abuse | 0 | | | 0 | | | | | 0 |
| 565.200 | Illegal sex w/ Res Skill Nursing Facility A Misd. | 1 | | | 1 | | | | | 0 |
| 565.225 | Aggravated stalking | 38 | | 19 | 17 | | | | 2 | 0 |
| 565.252 | Invasion of Privacy - 1st FC | 0 | | | 0 | | | | | 0 |
| 565.253 | Invasion of privacy | 6 | | 4 | 2 | | | | | 0 |
| 566.030 | Rape FA/B | 157 | 140 | 1 | 0 | | | 12 | 3 | 1 |
| 566.032 | Statutory rape FD | 178 | 144 | 10 | 0 | | | 14 | 10 | 0 |
| 566.034 | Statutory rape SD | 139 | 14 | 104 | 0 | | | | 21 | 0 |
| 566.040 | Sexual assault 1st FA/B | 38 | 1 | 29 | 0 | | | 6 | 2 | 0 |
| 566.050 | Sexual assault 2nd FC/D | 0 | | | 0 | | | | | 0 |
| 566.060 | Sodomy FA/B | 50 | 43 | 1 | 0 | | | 5 | | 1 |
| 566.062 | Statutory sodomy 1st Dgr | 308 | 214 | 8 | 0 | | | 76 | 9 | 1 |
| 566.064 | Statutory sodomy 2nd Dgr | 58 | 2 | 49 | 0 | | | 2 | 5 | 0 |
| 566.067 | Child molestation 1st Dgr | 198 | 136 | 6 | 1 | | | 51 | 4 | 0 |
| 566.068 | Child molestation 2nd Dgr | 47 | | 5 | 36 | | | 2 | 4 | 0 |

FY2006 TRIAL DIVISION ASSIGNED CASES BY CHARGE CODE

| Charge Code | Description | Total | A-B Felonies | C-D Felonies | 40 Misd. | 45 Traffic | 50 Juv | 52 Juv | 65 PV | Other |
|-------------|--|-------|--------------|--------------|----------|------------|--------|--------|-------|-------|
| 566.070 | Deviate sexual assault 1st FB/C | 34 | 1 | 23 | 0 | | | 4 | 5 | 1 |
| 566.080 | Deviate sexual assault 2nd FC/D | 0 | | | 0 | | | | | 0 |
| 566.083 | Sexual misconduct involving a child | 20 | | 14 | 1 | | | 2 | 3 | 0 |
| 566.090 | Sexual misconduct MA | 62 | | 5 | 34 | | | 19 | 4 | 0 |
| 566.093 | Sexual misconduct 2nd Dgr | 53 | 1 | 1 | 47 | | | 3 | 1 | 0 |
| 566.095 | Sexual misconduct 3rd Dgr | 12 | | 1 | 10 | | | 1 | | 0 |
| 566.100 | Sexual abuse 1st FC/D | 25 | | 19 | 0 | | | 2 | 4 | 0 |
| 566.110 | Sexual abuse 2nd MA/FD | 0 | | | 0 | | | | | 0 |
| 566.120 | Sexual abuse 3rd MA | 1 | | | 0 | | | | 1 | 0 |
| 566.130 | Indecent exposure MA | 1 | | | 1 | | | | | 0 |
| 566.145 | Sexual Contact w/ inmate | 2 | | 2 | 0 | | | | | 0 |
| 566.147 | Establish residence w/in 1000 ft of child care | 34 | | 31 | 1 | | | | 2 | 0 |
| 566.151 | Attempted Enticement of a Child | 10 | | 10 | 0 | | | | | 0 |
| 566.625 | Failure to register as a sex offender | 4 | | 4 | 0 | | | | | 0 |
| 567.020 | Prostitution MB | 66 | | 1 | 63 | | | | 2 | 0 |
| 567.030 | Patronizing prostitution MB | 4 | | | 4 | | | | | 0 |
| 567.050 | Promoting prostitution 1st FB | 2 | 2 | | 0 | | | | | 0 |
| 567.060 | Promoting prostitution 2nd FC | 2 | | 1 | 0 | | | | 1 | 0 |
| 567.070 | Promoting prostitution 3rd FD | 4 | | 4 | 0 | | | | | 0 |
| 568.010 | Bigamy MA | 1 | | | 1 | | | | | 0 |
| 568.020 | Incest FD | 6 | | 5 | 0 | | | 1 | | 0 |
| 568.030 | Abandonment of a child 1st FB | 2 | 2 | | 0 | | | | | 0 |
| 568.032 | Abandonment of a child 2nd FD | 0 | | | 0 | | | | | 0 |
| 568.040 | Criminal nonsupport MA/FD | 4,204 | 1 | 2,077 | 1,109 | 1 | | | 1,015 | 1 |
| 568.045 | Endangering welfare of a child 1st Dgr | 445 | 3 | 394 | 0 | | | | 48 | 0 |
| 568.050 | Endangering welfare of a child MA | 218 | 1 | 11 | 174 | 1 | | | 31 | 0 |
| 568.060 | Abuse of a child FB/C | 188 | 20 | 161 | 0 | | | | 7 | 0 |
| 568.070 | Unlawful transactions with a child MB | 1 | | | 1 | | | | | 0 |
| 568.080 | Using a child in a sexual performance FB/C | 2 | | 1 | 1 | | | | | 0 |
| 568.090 | Promoting sexual performance by a child FC | 2 | | 1 | 0 | | | | 1 | 0 |
| 568.110 | Processor failure to report MB | 0 | | | 0 | | | | | 0 |
| 568.175 | Trafficking in children FC | 0 | | | 0 | | | | | 0 |
| 569.020 | Robbery 1st FA | 778 | 693 | 3 | 0 | | 1 | 71 | 9 | 1 |
| 569.025 | Pharmacy robbery 1st FA | 2 | 2 | | 0 | | | | | 0 |
| 569.030 | Robbery 2nd FB | 482 | 352 | 31 | 0 | | | 68 | 31 | 0 |
| 569.035 | Pharmacy robbery 2nd FB | 0 | | | 0 | | | | | 0 |
| 569.040 | Arson 1st FB | 55 | 40 | 3 | 0 | | | 7 | 3 | 2 |
| 569.050 | Arson 2nd FC | 67 | 7 | 36 | 0 | | | 10 | 12 | 2 |
| 569.055 | Knowingly burning or exploding FD | 35 | | 25 | 0 | | | 3 | 6 | 1 |
| 569.060 | Reckless burning or exploding MA | 3 | | | 1 | | | 2 | | 0 |
| 569.065 | Negligent burning or exploding MB | 3 | | | 1 | | | 2 | | 0 |
| 569.070 | Catastrophe FA | 0 | | | 0 | | | | | 0 |
| 569.080 | Tampering 1st FC | 2,187 | 4 | 1,682 | 2 | 1 | | 282 | 215 | 1 |
| 569.085 | Unlawful endangerment of property FC | 0 | | | 0 | | | | | 0 |
| 569.090 | Tampering 2nd MA/FD | 433 | 1 | 22 | 219 | 1 | 4 | 171 | 15 | 0 |
| 569.095 | Tampering with intellectual property MA/FD | 0 | | | 0 | | | | | 0 |
| 569.097 | Tampering with computer equipment FC/D | 1 | | 1 | 0 | | | | | 0 |
| 569.099 | Tampering with computer users MA/FD | 0 | | | 0 | | | | | 0 |
| 569.100 | Property damage 1st FD | 365 | | 282 | 3 | | 1 | 34 | 45 | 0 |
| 569.120 | Property damage 2nd MB | 461 | 1 | 6 | 369 | | | 48 | 37 | 0 |
| 569.140 | Trespass 1st MB | 660 | | 1 | 627 | 1 | | 15 | 16 | 0 |

FY2006 TRIAL DIVISION ASSIGNED CASES BY CHARGE CODE

| Charge Code | Description | Total | A-B Felonies | C-D Felonies | 40 Misd. | 45 Traffic | 50 Juv | 52 Juv | 65 PV | Other |
|-------------|--|-------|--------------|--------------|----------|------------|--------|--------|-------|-------|
| 569.150 | Trespass SD | 34 | | 2 | 29 | | | 2 | 1 | 0 |
| 569.155 | Trespass of a school bus | 0 | | 0 | | | | | | 0 |
| 569.160 | Burglary 1st FB | 840 | 711 | 22 | 0 | | | 60 | 47 | 0 |
| 569.170 | Burglary 2nd FC | 3,106 | 15 | 2,479 | 7 | | 1 | 180 | 424 | 0 |
| 569.180 | Possession of burglar's tools FD | 34 | 1 | 31 | 0 | 1 | | | 1 | 0 |
| 570.030 | Stealing FC/MA | 5,080 | 51 | 2,624 | 1,613 | | 3 | 190 | 596 | 3 |
| 570.033 | Stealing animals | 8 | | 6 | 0 | | | 1 | 1 | 0 |
| 570.040 | Stealing 3rd Offense FC | 59 | | 37 | 0 | | | | 22 | 0 |
| 570.080 | Receiving stolen property MA/FC | 926 | | 519 | 289 | | | 24 | 94 | 0 |
| 570.085 | Alteration or removal of item numbers FD/MB | 0 | | 0 | | | | | | 0 |
| 570.090 | Forgery FC | 2,832 | 3 | 2,433 | 4 | | | 8 | 384 | 0 |
| 570.100 | Possession of a forgery instrumentality FC | 6 | | 6 | 0 | | | | | 0 |
| 570.103 | Counterfeiting 1000 or more | 2 | | | 1 | | | 1 | | 0 |
| 570.110 | Issuing a false instrument or certificate MA | 0 | | 0 | | | | | | 0 |
| 570.120 | Passing bad check MA/FD | 5,101 | | 1,744 | 2,744 | 3 | | 1 | 609 | 0 |
| 570.125 | Fraudulent stop payment on an instrument MA/FD | 34 | | 14 | 19 | | | | 1 | 0 |
| 570.130 | Fraudulent use of a credit device MA/FD | 268 | | 124 | 115 | | 1 | 3 | 25 | 0 |
| 570.135 | Fraudulent procurement of a credit/debit device | 4 | | | 4 | | | | | 0 |
| 570.140 | Deceptive business practices | 1 | | | 1 | | | | | 0 |
| 570.145 | Financial exploitation of elderly or disabled | 17 | 9 | 8 | 0 | | | | | 0 |
| 570.150 | Commercial bribery MA | 0 | | 0 | | | | | | 0 |
| 570.155 | Sports bribery FEL/MIS | 0 | | 0 | | | | | | 0 |
| 570.160 | False advertising MA | 0 | | 0 | | | | | | 0 |
| 570.170 | Bait advertising MA | 1 | | 1 | 0 | | | | | 0 |
| 570.180 | Defrauding secured creditors MA/FD | 16 | | 10 | 3 | | | | 3 | 0 |
| 570.190 | Telephone service fraud MA | 2 | | | 2 | | | | | 0 |
| 570.210 | Library theft FC/MC | 7 | | 3 | 4 | | | | | 0 |
| 570.217 | Misapplication of funds of financial institution FC/D | 2 | | 1 | 0 | | | | 1 | 0 |
| 570.219 | False entries in records of a financial institution FC | 0 | | 0 | | | | | | 0 |
| 570.220 | Check kiting FC | 4 | | 4 | 0 | | | | | 0 |
| 570.223 | Identity Theft | 69 | 6 | 32 | 28 | | | | 3 | 0 |
| 570.224 | Trafficking in Stolen Identities Felony B | 4 | 4 | | 0 | | | | | 0 |
| 570.230 | Selling unauthorized recordings | 0 | | 0 | | | | | | 0 |
| 570.300 | Theft of cable television service FA/MC | 4 | | 1 | 3 | | | | | 0 |
| 571.015 | Armed criminal action | 46 | 38 | 5 | 0 | | | | 3 | 0 |
| 571.020 | Possess/transport/sale of certain weapons FC/MA | 67 | | 35 | 23 | | | 5 | 4 | 0 |
| 571.030 | Unlawful use of weapons FD/MB | 1,021 | 42 | 781 | 15 | | | 91 | 87 | 5 |
| 571.045 | Defacing firearm MA | 0 | | 0 | | | | | | 0 |
| 571.050 | Possession of a defaced firearm MB | 6 | 1 | | 5 | | | | | 0 |
| 571.060 | Unlawful transfer of weapons FD/MA | 3 | | | 2 | | | | 1 | 0 |
| 571.070 | Possession of a concealable firearm FC | 22 | | 18 | 0 | | | | 4 | 0 |
| 571.080 | Transfer of concealable firearms w/out permit MA | 7 | | | 7 | | | | | 0 |
| 571.090 | Permit to acquire concealable weapons MA | 0 | | 0 | | | | | | 0 |
| 571.150 | Use or possession of metal-penetrating bullet FB | 0 | | 0 | | | | | | 0 |
| 572.020 | Gambling MB | 2 | | | 2 | | | | | 0 |
| 572.030 | Promoting Gambling FD | 1 | | 1 | 0 | | | | | 0 |
| 572.050 | Possession of gambling records 1st FD | 0 | | 0 | | | | | | 0 |
| 572.060 | Possession of gambling records 2nd MA | 0 | | 0 | | | | | | 0 |
| 572.070 | Possession of a gambling device MA | 0 | | 0 | | | | | | 0 |
| 572.080 | Lottery offenses | 0 | | 0 | | | | | | 0 |
| 573.023 | Sexual Exploitation of a Minor | 7 | 7 | 0 | | | | | | 0 |
| 573.020 | Promoting obscenity 1st FD | 0 | | 0 | | | | | | 0 |
| 573.023 | Sexual Exploitation of a Minor | 0 | | 0 | | | | | | 0 |
| 573.025 | Promoting Child Pornography 1st FB | 6 | 6 | 0 | | | | | | 0 |
| 573.030 | Promoting Pornography 2nd MA | 1 | | | 1 | | | | | 0 |

FY2006 TRIAL DIVISION ASSIGNED CASES BY CHARGE CODE

| Charge Code | Description | Total | A-B Felonies | C-D Felonies | 40 Misd. | 45 Traffic | 50 Juv | 52 Juv | 65 PV | Other |
|-------------|--|-------|--------------|--------------|----------|------------|--------|--------|-------|-------|
| 573.035 | Promoting child pornography 2nd FD | 1 | | 1 | 0 | | | | | 0 |
| 573.037 | Possession of child pornography | 5 | | 3 | 1 | | | | 1 | 0 |
| 573.040 | Furnishing pornographic material to a minor MA | 6 | | 1 | 5 | | | | | 0 |
| 573.060 | Public display of explicit sexual material MA | 0 | | | 0 | | | | | 0 |
| 573.065 | Coercing acceptance of obscene materials | 0 | | | 0 | | | | | 0 |
| 574.010 | Peace disturbance | 140 | | | 111 | | | 15 | 14 | 0 |
| 574.020 | Private peace disturbance MC | 7 | | | 6 | | | | 1 | 0 |
| 574.040 | Unlawful assembly MB | 0 | | | 0 | | | | | 0 |
| 574.050 | Rioting MA | 0 | | | 0 | | | | | 0 |
| 574.060 | Refusal to disperse MC | 0 | | | 0 | | | | | 0 |
| 574.070 | Promoting civil disorder 1st FC | 0 | | | 0 | | | | | 0 |
| 574.075 | Drunkenness or drinking in prohibited places M | 6 | | | 6 | | | | | 0 |
| 574.085 | Burial discretion - Institutional Vandalism | 4 | | 3 | 0 | | | 1 | | 0 |
| 574.090 | Ethnic intimidation FD | 0 | | | 0 | | | | | 0 |
| 574.093 | Ethnic intimidation SD | 0 | | | 0 | | | | | 0 |
| 574.105 | Money Laundering | 0 | | | 0 | | | | | 0 |
| 574.115 | Making a terrorist threat | 13 | | 10 | 0 | | | 3 | | 0 |
| 575.020 | Concealing an offense MA | 3 | | 2 | 0 | | | | 1 | 0 |
| 575.030 | Hindering prosecution | 90 | | 56 | 29 | | | 1 | 4 | 0 |
| 575.040 | Perjury FA/B/C/D | 5 | | 5 | 0 | | | | | 0 |
| 575.050 | False affidavit MA/C | 4 | | | 4 | | | | | 0 |
| 575.060 | False declarations MB | 12 | | | 9 | 1 | | | 2 | 0 |
| 575.080 | False reports MB | 96 | | | 85 | | | 5 | 6 | 0 |
| 575.090 | False bomb report D-fel | 11 | | 4 | 0 | | | 4 | 3 | 0 |
| 575.100 | Tampering with physical evidence | 27 | | 14 | 7 | | | | 6 | 0 |
| 575.110 | Tampering with public records | 0 | | | 0 | | | | | 0 |
| 575.120 | False impersonation | 12 | | | 12 | | | | | 0 |
| 575.130 | Simulating legal process | 2 | | | 2 | | | | | 0 |
| 575.145 | Failed to Obey Sheriff's Deputy | 7 | | | 6 | | | | 1 | 0 |
| 575.150 | Resisting, Interference, w/Arrest, FD/MA | 942 | 2 | 429 | 420 | 8 | | 24 | 58 | 1 |
| 575.160 | Interference, w/Legal Process MB | 4 | | | | 2 | | | 2 | 0 |
| 575.195 | Escape from commitment FD | 3 | 1 | 1 | 1 | | | | | 0 |
| 575.200 | Escape/attempt escape from custody MA FA/D | 44 | | 29 | 13 | | | | 2 | 0 |
| 275.205 | Tampering w/ electronic monitoring equip. | 5 | | 5 | 0 | | | | | 0 |
| 575.210 | Escape/attempt escape from confinement FA/C/D | 24 | 4 | 20 | 0 | | | | | 0 |
| 575.220 | Failure to return to confinement MA/FC | 33 | | 15 | 18 | | | | | 0 |
| 575.230 | Aiding escape of a prisoner FB/D MA | 5 | 3 | 1 | 1 | | | | | 0 |
| 575.240 | Permitting escape | 0 | | | 0 | | | | | 0 |
| 575.250 | Disturbing judicial proceeding | 0 | | | 0 | | | | | 0 |
| 575.260 | Tampering with judicial process | 2 | | 2 | 0 | | | | | 0 |
| 575.270 | Tampering with a witness FC/MA | 64 | | 49 | 11 | | | 1 | 3 | 0 |
| 575.280 | Official acceding to corruption | 0 | | | 0 | | | | | 0 |
| 575.290 | Improper communication | 0 | | | 0 | | | | | 0 |
| 575.300 | Juror misconduct | 0 | | | 0 | | | | | 0 |
| 575.310 | Misconduct in selecting or summoning juror | 0 | | | 0 | | | | | 0 |
| 575.320 | Misconduct in administration of justice | 0 | | | 0 | | | | | 0 |
| 575.350 | Killing or Disabling a Police Animal | 0 | | | 0 | | | | | 0 |
| 576.010 | Bribery of a public servant FD | 3 | | 2 | 0 | | | | 1 | 0 |
| 576.020 | Public servant acceding to corruption FD | 0 | | | 0 | | | | | 0 |
| 576.030 | Obstructing government operations MB | 3 | | | 3 | | | | | 0 |
| 576.040 | Official misconduct MA | 0 | | | 0 | | | | | 0 |

FY2006 TRIAL DIVISION ASSIGNED CASES BY CHARGE CODE

| Charge Code | Description | Total | A-B Felonies | C-D Felonies | 40 Misd. | 45 Traffic | 50 Juv | 52 Juv | 65 PV | Other |
|-------------|--|-------|--------------|--------------|----------|------------|--------|--------|-------|-------|
| 576.050 | Misuse of official information MA | 0 | | | 0 | | | | | 0 |
| 576.060 | Failure to give a tax list | 0 | | | 0 | | | | | 0 |
| 576.070 | Treason FA | 0 | | | 0 | | | | | 0 |
| 577.005 | Vehicular manslaughter | 0 | | | 0 | | | | | 0 |
| 577.010 | Driving while intoxicated MA/B FD | 3,852 | 125 | 864 | 1,808 | 613 | | | 441 | 1 |
| 577.012 | Driving w/excessive blood alcohol content MA/C | 12 | 1 | | 5 | | | | 5 | 1 |
| 577.017 | Consuming alcoholic beverages in moving MV | 10 | | | 6 | 4 | | | | 0 |
| 577.023 | Driving while intoxicated Second MA, Third FD | 33 | 1 | 21 | 9 | | | | 2 | 0 |
| 577.051 | Failure to furnish M.U.L.E. records MC | 0 | | | 0 | | | | | 0 |
| 577.060 | Leaving scene of motor vehicle accident MA/FD | 486 | | 220 | 166 | 30 | | 4 | 66 | 0 |
| 577.070 | Littering MA | 31 | | | 31 | | | | | 0 |
| 577.073 | Littering in state parks | 0 | | | 0 | | | | | 0 |
| 577.075 | Release of Anhydrous Ammonia | 2 | | 2 | 0 | | | | | 0 |
| 577.076 | Littering with carcasses | 0 | | | 0 | | | | | 0 |
| 577.080 | Abandoning motor vehicle MA | 4 | | | 3 | 1 | | | | 0 |
| 577.100 | Abandonment of airtight containers | 0 | | | 0 | | | | | 0 |
| 577.110 | Operating MV while under 16 years of age | 1 | | | 0 | | | 1 | | 0 |
| 577.150 | Corrupting or diverting water supply | 0 | | | 0 | | | | | 0 |
| 577.155 | Prohibition of waste disposal wells | 0 | | | 0 | | | | | 0 |
| 577.161 | Can't prohibit disabled life jackets in pool | 0 | | | 0 | | | | | 0 |
| 577.600 | Failure to use ordered ignition interlock device | 4 | | | 3 | 1 | | | | 0 |
| 577.612 | Tampering w/ ignition interlock device | 0 | | | 0 | | | | | 0 |
| 578.009 | Animal neglect MA | 11 | | | 11 | | | | | 0 |
| 578.012 | Animal abuse | 86 | | 10 | 71 | | | 5 | | 0 |
| 578.025 | Dog fighting MA/FD | 6 | | | 0 | | | 6 | | 0 |
| 578.027 | Dog baiting MA | 0 | | | 0 | | | | | 0 |
| 578.050 | Bull baiting and cockfighting MA | 0 | | | 0 | | | | | 0 |
| 578.150 | Failure to return rented personal property MA/FD | 232 | | 140 | 65 | | | 27 | | 0 |
| 578.151 | Interfere w/ Lawful Hunt | 0 | | | 0 | | | | | 0 |
| 578.154 | Possession of Anhydrous Ammonia | 18 | | 11 | 0 | | | 7 | | 0 |
| 578.250 | Inhaling/ inducing others to inhale fumes MB | 19 | | | 19 | | | | | 0 |
| 578.255 | Induce or possess w/intent to induce intoxication | 4 | | | 4 | | | | | 0 |
| 578.260 | Possess/purchase solvents to aid others MB | 0 | | | 0 | | | | | 0 |
| 578.265 | Sell or Transfer Solvents FC | 0 | | | 0 | | | | | 0 |
| 578.305 | Assault w/ intent to hijack bus | 0 | | | 0 | | | | | 0 |
| 578.365 | Hazing | 0 | | | 0 | | | | | 0 |
| 578.377 | Unlawful receipt of food stamps MA/FD | 2 | | 1 | 1 | | | | | 0 |
| 578.379 | Unlawful conversion of food stamps MA/FD | 1 | | | 1 | | | | | 0 |
| 578.381 | Unlawful transfer of food stamps MA/FD | 1 | | | 1 | | | | | 0 |
| 578.395 | Ticket scalping | 0 | | | 0 | | | | | 0 |
| 578.416 | Crop Loss | 1 | | | 1 | | | | | 0 |
| 578.423 | Knowingly participating in street gang activity MA | 0 | | | 0 | | | | | 0 |
| 578.425 | Promoting or assisting gang conduct MA | 0 | | | 0 | | | | | 0 |
| 578.433 | Maintaining public nuisance | 0 | | | 0 | | | | | 0 |
| 578.445 | Possession tools to break into vending mach | 0 | | | 0 | | | | | 0 |
| 589.400 | Registration of certain offenders with chief law | 18 | | 8 | 9 | | | 1 | | 0 |
| 589.414 | Failure to register as a sex offender | 6 | | 1 | 5 | | | | | 0 |
| 589.425 | Failure to register penalty, subsequent | 232 | | 127 | 95 | | | 9 | | 1 |
| 602.300 | Unlawfully possessing a tobacco product | 0 | | | 0 | | | | | 0 |
| 632.480 | Sexually violent predator | 0 | | | 0 | | | | | 0 |
| 701.055 | Noncompliant Sewage Disposal System | 1 | | | 1 | | | | | 0 |
| 701.057 | Construction of on-site sewage disposal system | 0 | | | 0 | | | | | 0 |
| 701.046 | Sewage Disposal construction or modification | 0 | | | 0 | | | | | 0 |
| 999.999 | Witness Only | 13 | | 12 | 0 | | | | | 1 |

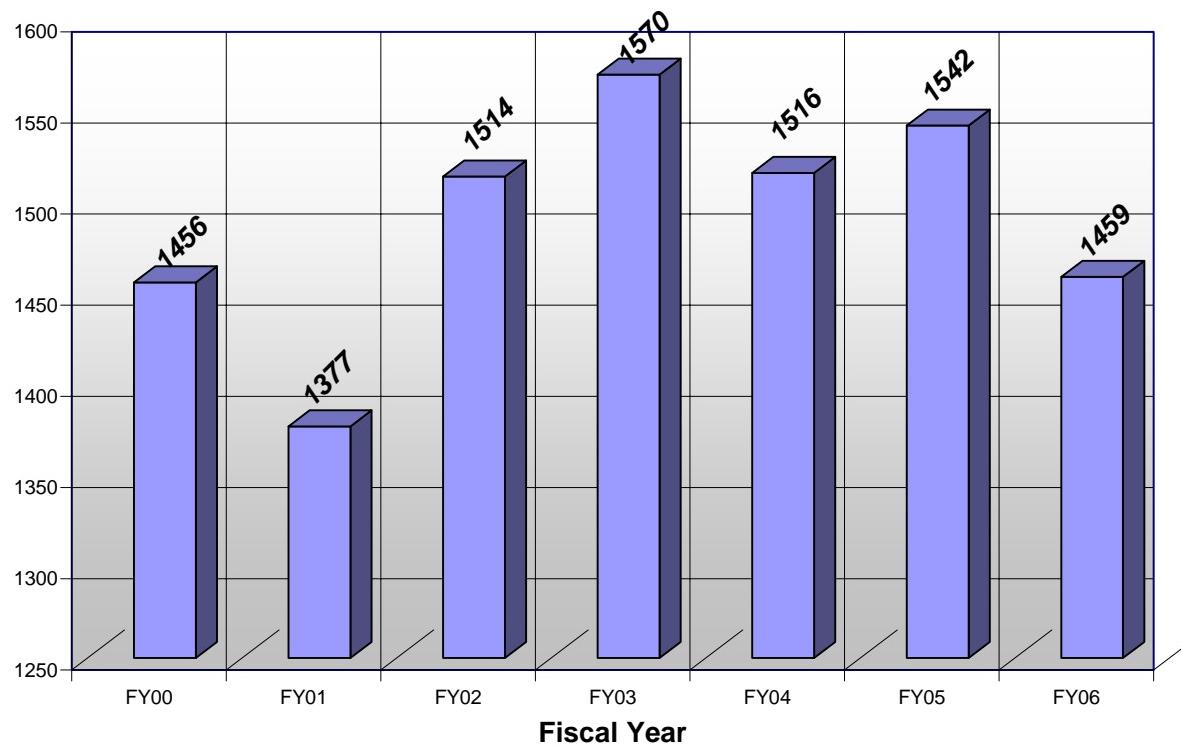
FY2006
CONFLICT ASSIGNMENTS
By Case Type

| Code | Description | # of Cases Assigned |
|------|--|---------------------|
| 00 | Advice of Counsel | 1 |
| 10 | Murder - Death Penalty | 1 |
| 15 | Murder - 1 st Degree | 7 |
| 20 | Other Homicide | 7 |
| 30 | A-B Felony | 182 |
| 35 | C-D Felony | 254 |
| 40 | Misdemeanor | 56 |
| 52 | Juvenile | 34 |
| 54 | Post Conviction Relief - Rule 24 | 62 |
| 59 | Post Conviction Relief - Rule 29 | 19 |
| 60 | Chapter 552 | 6 |
| 62 | Sexual Predator | 2 |
| 65 | Probation Violation | 47 |
| 80 | 29.15 Appeal | 0 |
| 82 | Direct Appeal | 5 |
| | | |
| | Total Private Counsel Conflict Assignments | 683 |

FY2006
APPELLATE DIVISION CASELOAD
Cases Opened and Closed

| | Central | | Eastern | | Western | | |
|--|---------------------|---------|----------------------|---------|------------------------|---------|--------|
| | Columbia | | St. Louis | | Kansas City | | Totals |
| | Area 50 | Area 67 | Area 51 | Area 68 | Area 52 | Area 69 | |
| Death PCR | | | | | | | |
| Opened | 3 | 1 | 0 | 0 | 0 | 0 | 4 |
| Closed | 3 | 1 | 2 | 0 | 1 | 0 | 7 |
| Felony | | | | | | | |
| Opened | 235 | 0 | 44 | 41 | 28 | 22 | 370 |
| Closed | 198 | 0 | 42 | 47 | 29 | 19 | 335 |
| PCR Appeals | | | | | | | |
| Opened | 70 | 42 | 71 | 87 | 27 | 35 | 332 |
| Closed | 66 | 31 | 76 | 69 | 37 | 31 | 310 |
| PCR Trials | | | | | | | |
| Opened | 1 | 284 | 132 | 139 | 80 | 86 | 722 |
| Closed | 1 | 318 | 132 | 141 | 97 | 95 | 784 |
| Other (DNA, 29.07, 29.13, Rule 87, State's Appeals, 29.27, Writs, CDU) | | | | | | | |
| Opened | 18 | 4 | 6 | 1 | 2 | 0 | 31 |
| Closed | 18 | 4 | 1 | 1 | 2 | 2 | 28 |
| Appellate Division Totals | | | | | | | |
| Opened | 327 | 331 | 253 | 268 | 137 | 143 | 1,459 |
| Closed | 286 | 354 | 253 | 258 | 166 | 147 | 1,464 |
| Totals | | | | | | | |
| Opened | 658 | | 521 | | 280 | | 1,459 |
| Closed | 640 | | 511 | | 313 | | 1,464 |
| | Central Columbia | | Eastern St. Louis | | Western Kansas City | | |

New Appellate Cases



FY2006
Appellate Cases Disposed
By Disposition Code

| Code | | District 50 | District 51 | District 52 | District 67 | District 68 | District 69 | Total |
|------|--|-------------|-------------|-------------|-------------|-------------|-------------|-------|
| | | | | | | | | |
| 42 | Conflict (Transferred for Assignment) | 5 | 4 | 15 | 55 | 1 | 1 | 81 |
| 41 | Conflict (Transfer to Public Defender Office) | 9 | 2 | 13 | 7 | 3 | 3 | 37 |
| 37 | Guilty Plea Vacated | 1 | 2 | 0 | 4 | 4 | 1 | 12 |
| 36 | Reversed for Sufficiency/Client Discharged | 2 | 0 | 1 | 0 | 0 | 0 | 3 |
| 35 | Reversed - Findings of Fact/Conclusions of Law | 3 | 1 | 0 | 1 | 0 | 2 | 7 |
| 34 | Reversed for New Trial | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 33 | Reversed & Remanded for Sentencing Relief | 2 | 2 | 3 | 10 | 1 | 7 | 25 |
| 32 | Reversed & Remanded for Resentencing | 6 | 1 | 2 | 0 | 0 | 2 | 11 |
| 31 | Reversed & Remanded for PCR Hearing | 4 | 1 | 0 | 1 | 2 | 1 | 9 |
| 30 | Reversed & Remanded for New Trial | 15 | 0 | 2 | 0 | 0 | 1 | 18 |
| 21 | Denied Without Hearing | 0 | 46 | 9 | 49 | 50 | 11 | 165 |
| 20 | Denied After Hearing | 1 | 20 | 19 | 75 | 28 | 27 | 170 |
| 12 | Summary Affirmance | 125 | 98 | 31 | 4 | 97 | 1 | 356 |
| 11 | Affirmed in part/Reversed & Remanded in Part | 13 | 0 | 0 | 1 | 5 | 1 | 20 |
| 10 | Affirmed After Opinion | 64 | 1 | 13 | 21 | 4 | 38 | 141 |
| 03 | Dismissed by Court | 3 | 11 | 9 | 50 | 16 | 6 | 95 |
| 02 | Voluntary Dismissal | 21 | 50 | 38 | 69 | 40 | 36 | 254 |
| 01 | Withdraw | 11 | 10 | 11 | 6 | 7 | 8 | 53 |
| 00 | Unknown | 1 | 4 | 0 | 1 | 0 | 1 | 7 |
| | | | | | | | | 0 |
| | Totals | 286 | 253 | 166 | 354 | 258 | 147 | 1464 |
| | | | | | | | | |

FY2006
CAPITAL DIVISION
Death Penalty Caseload

| | Opened | Closed | Current |
|--------------------------------------|--------|--------|---------|
| Central Office - Columbia - | | | |
| Trials | 5 | 1 | 11 |
| Appeals | 1 | 0 | 3 |
| Totals | 6 | 1 | 14 |
| Eastern Office - St. Louis City - | | | |
| Trials | 11 | 7 | 21 |
| Appeals | 0 | 1 | 3 |
| Totals | 11 | 8 | 24 |
| Western Office - Kansas City - | | | |
| Trials | 3 | 3 | 5 |
| Appeals | 2 | 2 | 2 |
| Totals | 5 | 5 | 7 |
| Total Death Penalty | | | |
| Trials | 19 | 11 | 37 |
| Appeals | 3 | 3 | 8 |
| Totals | 22 | 14 | 45 |

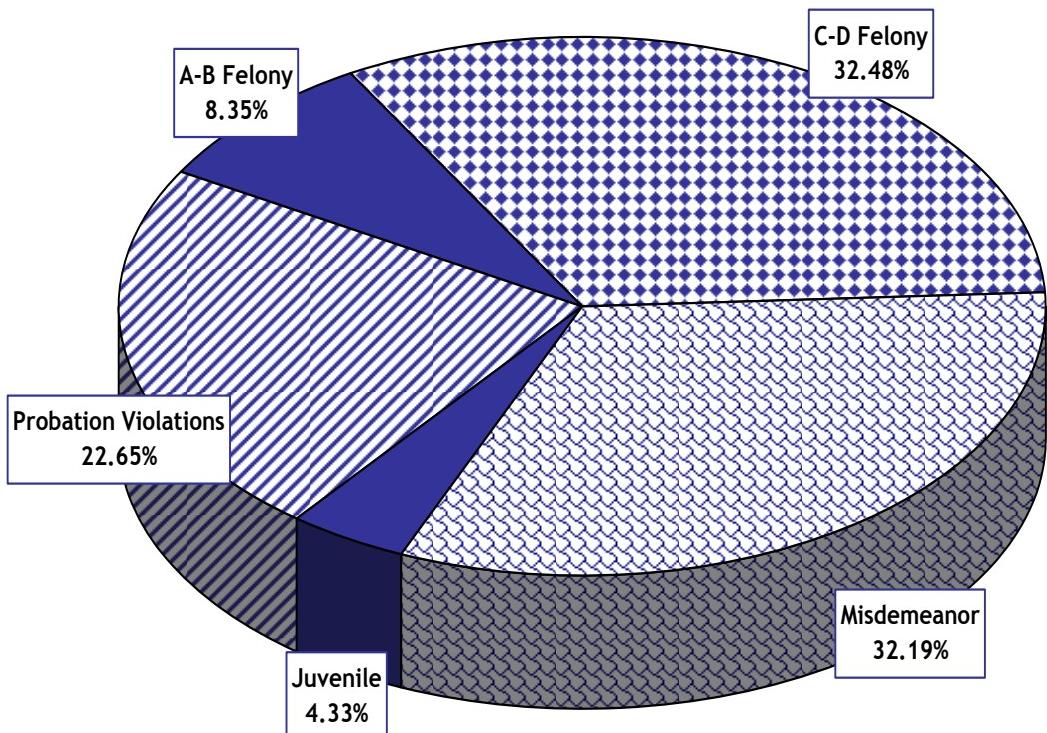
The Direct Appeal of Death Penalty Cases was transferred to the Capital Division in October of 1997. In addition to the Direct Appeals, the staff assigned to direct appeal of death penalty cases assist the Capital Division Trial staff in trial preparation.

Cases Closed

The State Public Defender System's Trial Division closed 81,080 cases in Fiscal Year 2006.

| Fiscal Year 2006 Trial Division Closed Cases by Case Type | | |
|---|---|--------------|
| Type Code | Description | Cases Opened |
| | | |
| 10 | Murder - Death Penalty | 6 |
| 15 | Homicide - Non Capital | 120 |
| 62 | Sexually Violent Predator | 19 |
| 20 | Other Homicides | 118 |
| 30 | A-B Felonies | 6,505 |
| 35 | C-D Felonies | 26,338 |
| 40 | Misdemeanor | 20,093 |
| 45 | Misdemeanor - Traffic | 6,004 |
| 50 | Juvenile Status | 505 |
| 52 | Juvenile Criminal | 3,006 |
| 65 | Probation Violation | 18,366 |
| | | |
| | Total Trial Division Cases Opened 2006 | 81,080 |
| | | |

Fiscal Year 2006
Trial Division Closed Cases
By Case Type

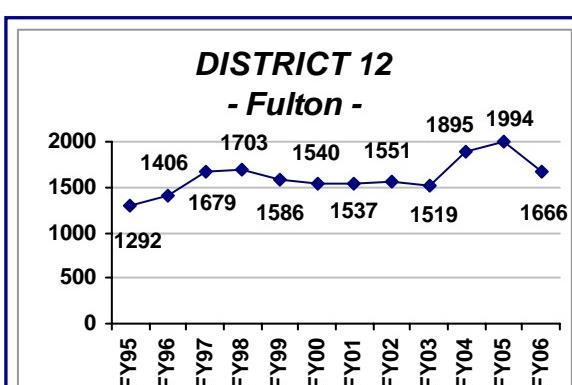
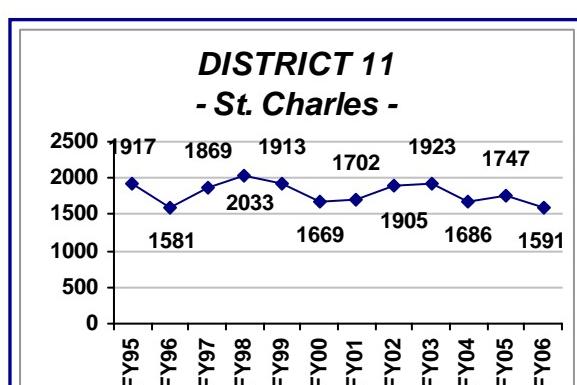
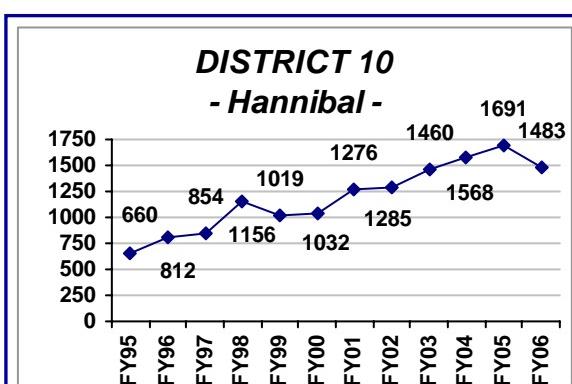
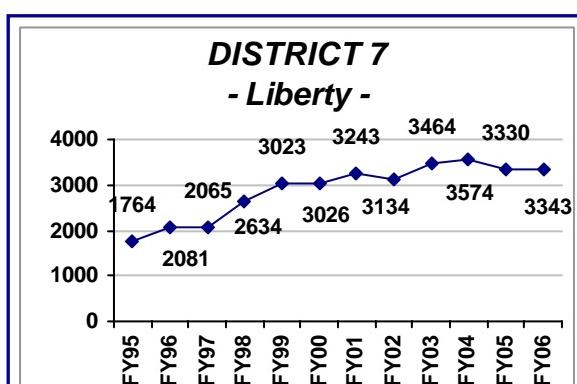
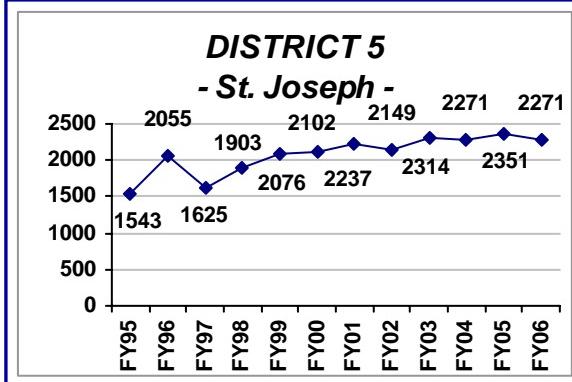
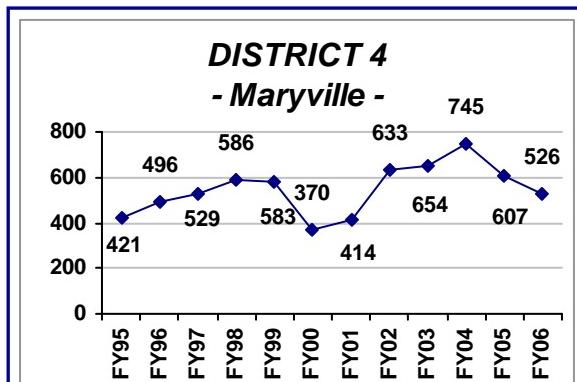
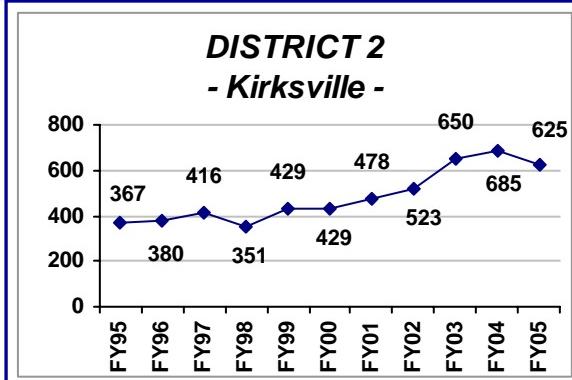
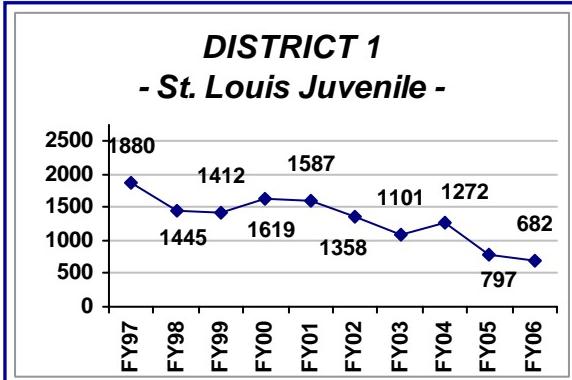


| | |
|---------------------------|--|
| Felony Cases Closed | 33,106 or 40.83% of the total caseload |
| Misdemeanor Cases Closed | 26,097 or 32.19% of the total caseload |
| Probation Violation Cases | 18,366 or 22.65% of the total caseload |
| Juvenile Cases Closed | 3,511 or 4.33% of the total caseload |

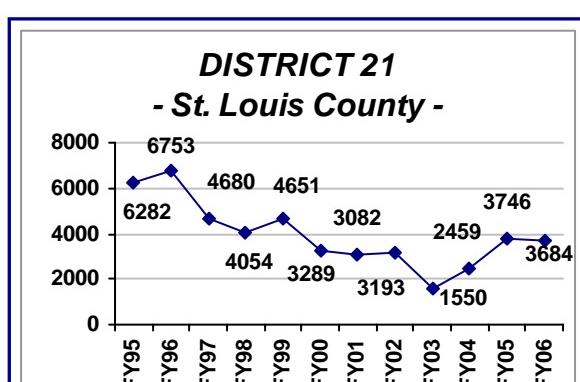
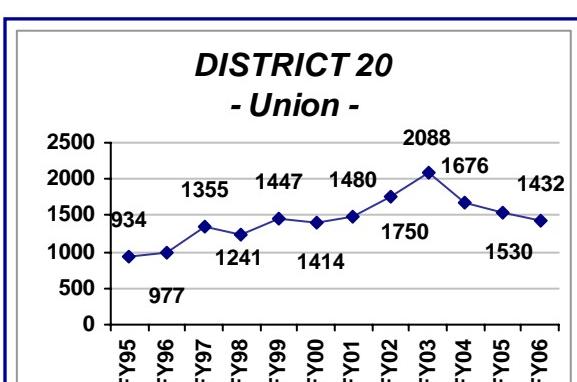
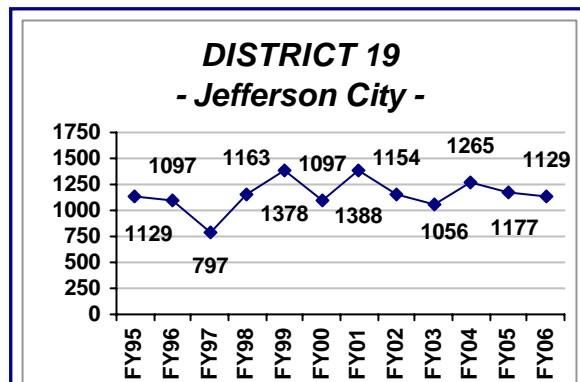
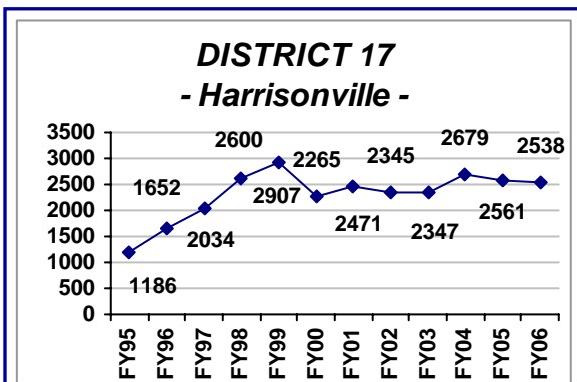
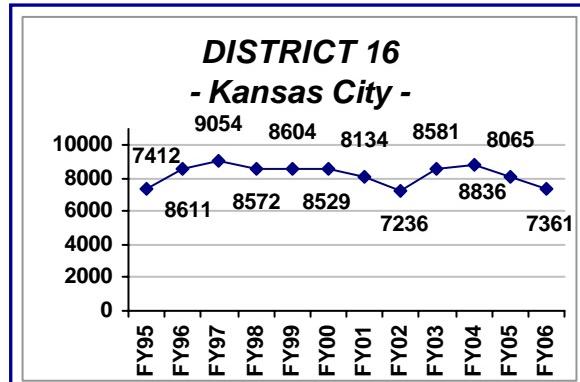
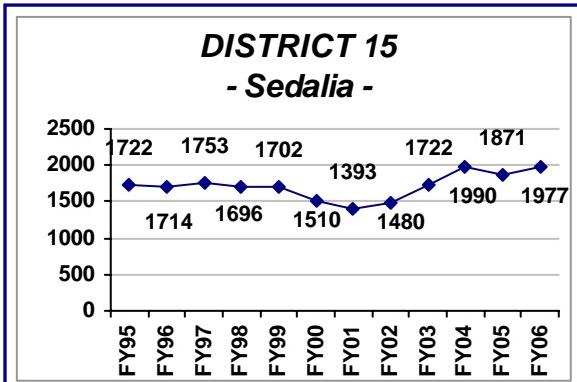
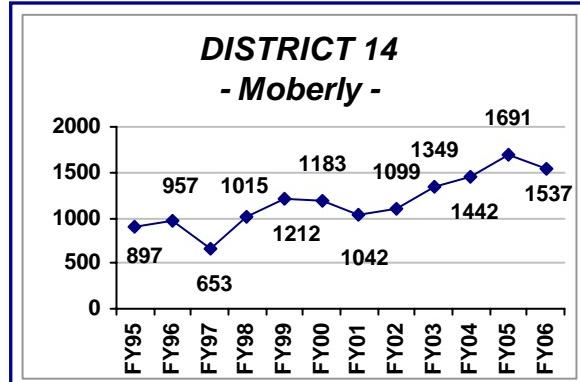
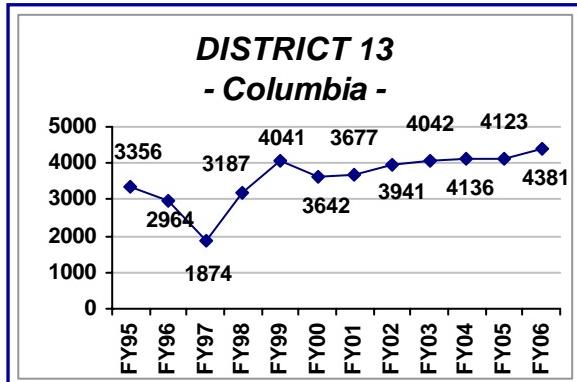
TRIAL DIVISION CASE DISPOSITIONS
FIVE FISCAL YEAR COMPARISONS - FY2002 to FY2006
BY DISTRICT

| District # | District Name | FY02 Cases Disposed | FY03 Cases Disposed | FY04 Cases Disposed | FY05 Cases Disposed | FY06 Cases Disposed | # Change 2002 to 2006 | % Change 2002 to 2006 |
|-----------------------------|----------------------|---------------------|---------------------|---------------------|---------------------|---------------------|-----------------------|-----------------------|
| 1 | St. Louis Juvenile | 1,358 | 1,101 | 1,272 | 797 | 682 | -676 | -49.78% |
| 2 | Kirksville | 523 | 650 | 685 | 625 | 685 | 162 | 23.65% |
| 4 | Maryville | 633 | 654 | 745 | 607 | 526 | -107 | -20.34% |
| 5 | St. Joseph | 2,149 | 2,314 | 2,271 | 2,351 | 2,271 | 122 | 5.37% |
| 6 | Kansas City Juvenile | 935 | 1,197 | 1,154 | 1,400 | 1,208 | 273 | 22.60% |
| 7 | Liberty | 3,134 | 3,464 | 3,574 | 3,330 | 3,343 | 209 | 6.25% |
| 10 | Hannibal | 1,285 | 1,460 | 1,568 | 1,691 | 1,483 | 198 | 13.35% |
| 11 | St. Charles | 1,905 | 1,923 | 1,686 | 1,747 | 1,591 | -314 | -19.74% |
| 12 | Fulton | 1,551 | 1,519 | 1,895 | 1,994 | 1,666 | 115 | 6.90% |
| 13 | Columbia | 3,941 | 4,042 | 4,136 | 4,123 | 4,381 | 440 | 10.04% |
| 14 | Moberly | 1,099 | 1,349 | 1,442 | 1,691 | 1,537 | 438 | 28.50% |
| 15 | Sedalia | 1,480 | 1,722 | 1,990 | 1,871 | 1,977 | 497 | 25.14% |
| 16 | Kansas City | 7,236 | 8,581 | 8,836 | 8,065 | 7,361 | 125 | 1.70% |
| 17 | Harrisonville | 2,345 | 2,347 | 2,679 | 2,561 | 2,538 | 193 | 7.60% |
| 19 | Jefferson City | 1,154 | 1,056 | 1,265 | 1,177 | 1,129 | -25 | -2.21% |
| 20 | Union | 1,750 | 2,088 | 1,676 | 1,530 | 1,432 | -318 | -22.21% |
| 21 | St. Louis County | 3,193 | 1,550 | 2,459 | 3,746 | 3,684 | 491 | 13.33% |
| 22 | St. Louis City | 6,854 | 5,519 | 7,802 | 7,794 | 6,203 | -651 | -10.49% |
| 23 | Hillsboro | 1,551 | 1,778 | 1,896 | 2,297 | 1,828 | 277 | 15.15% |
| 24 | Farmington | 1,876 | 2,111 | 2,268 | 2,305 | 2,202 | 326 | 14.80% |
| 25 | Rolla | 2,922 | 3,234 | 3,587 | 3,314 | 3,564 | 642 | 18.01% |
| 26 | Lebanon | 2,263 | 2,797 | 2,423 | 2,775 | 2,733 | 470 | 17.20% |
| 28 | Nevada | 1,228 | 1,258 | 1,349 | 1,351 | 1,236 | 8 | 0.65% |
| 29 | Carthage | 4,429 | 4,181 | 4,120 | 4,095 | 4,137 | -292 | -7.06% |
| 30 | Bolivar | 1,175 | 1,626 | 1,855 | 1,895 | 1,772 | 597 | 33.69% |
| 31 | Springfield | 3,201 | 3,931 | 4,291 | 4,773 | 4,994 | 1,793 | 35.90% |
| 32 | Cape Girardeau | 2,420 | 2,679 | 2,790 | 2,566 | 2,581 | 161 | 6.24% |
| 34 | Caruthersville | 1,105 | 1,133 | 1,104 | 1,063 | 1,058 | -47 | -4.44% |
| 35 | Kennett | 1,678 | 1,837 | 1,914 | 1,695 | 1,637 | -41 | -2.50% |
| 36 | Poplar Bluff | 1,490 | 1,804 | 1,600 | 1,891 | 1,857 | 367 | 19.76% |
| 37 | West Plains | 875 | 1,040 | 1,135 | 1,137 | 1,008 | 133 | 13.19% |
| 39 | Monett | 2,151 | 2,132 | 2,044 | 1,875 | 2,051 | -100 | -4.88% |
| 43 | Chillicothe | 2,311 | 2,364 | 2,586 | 2,512 | 2,533 | 222 | 8.76% |
| 44 | Ava | 539 | 661 | 756 | 810 | 856 | 317 | 37.03% |
| 45 | Troy | 961 | 982 | 1,161 | 1,347 | 1,317 | 356 | 27.03% |
| 49 | St. Louis Conflicts | 614 | 917 | 105 | | | -614 | |
| <i>Total Trial Division</i> | | 75,314 | 79,001 | 84,119 | 84,801 | 81,061 | 5,747 | 7.09% |
| <i>Dispositions</i> | | | | | | | | |
| | | | | | | | | <i>FY02 to FY06</i> |

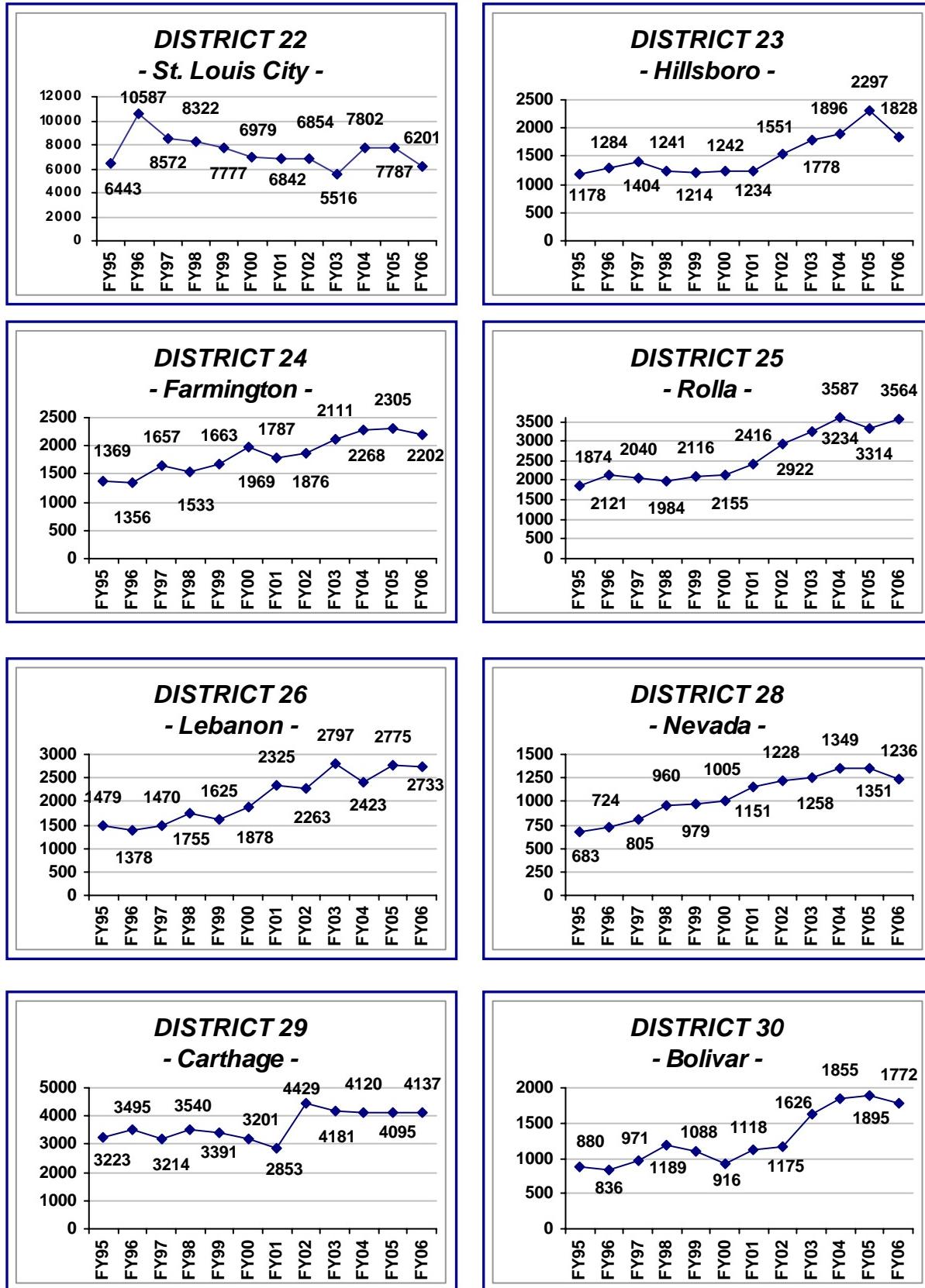
Disposed Caseload -By District FY1995 to FY2006



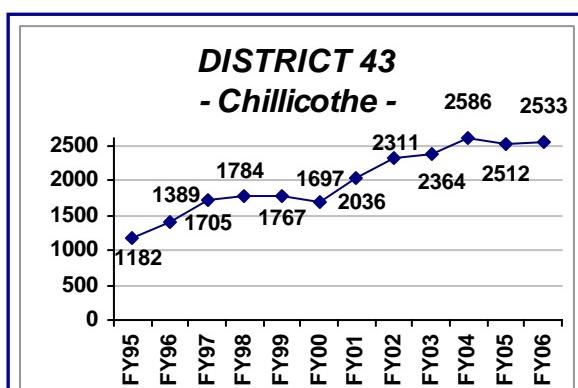
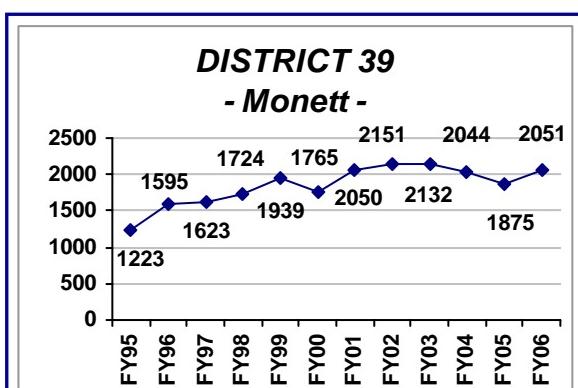
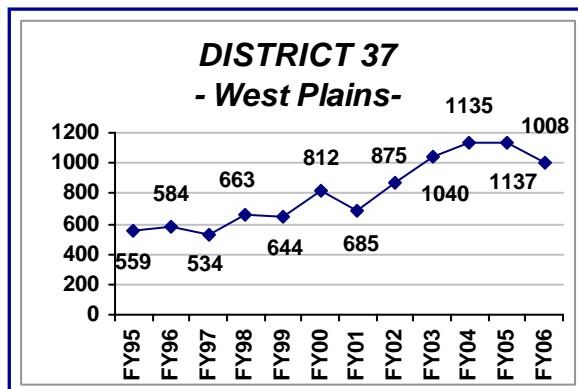
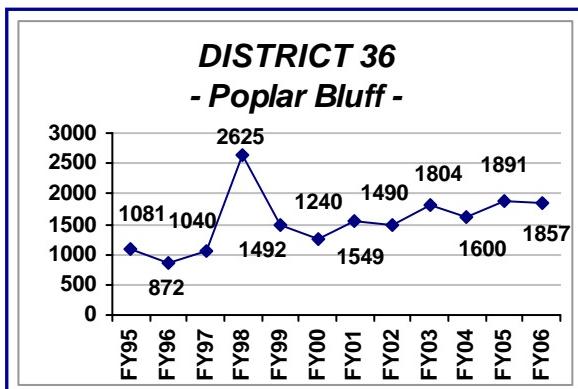
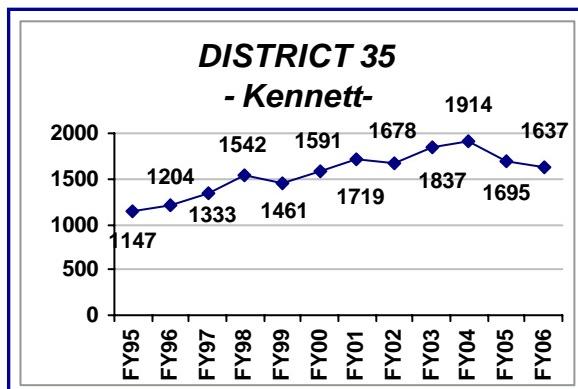
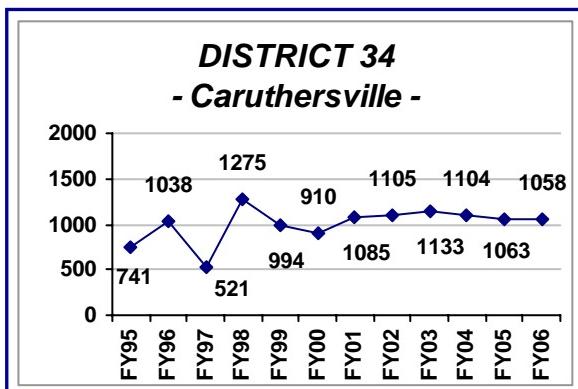
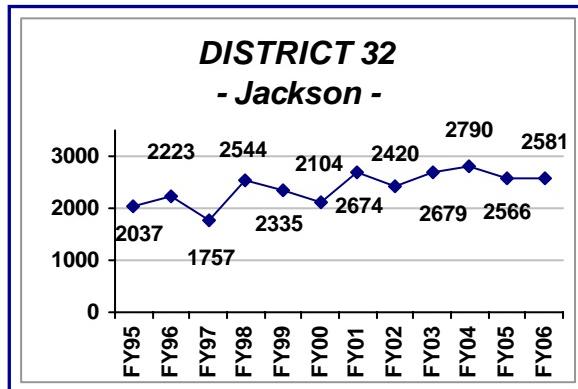
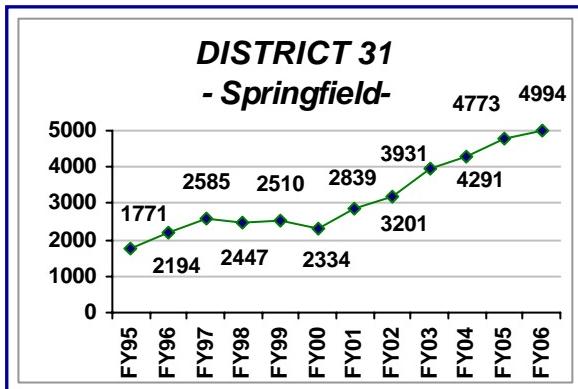
Disposed Caseload -By District FY1995 to FY2006



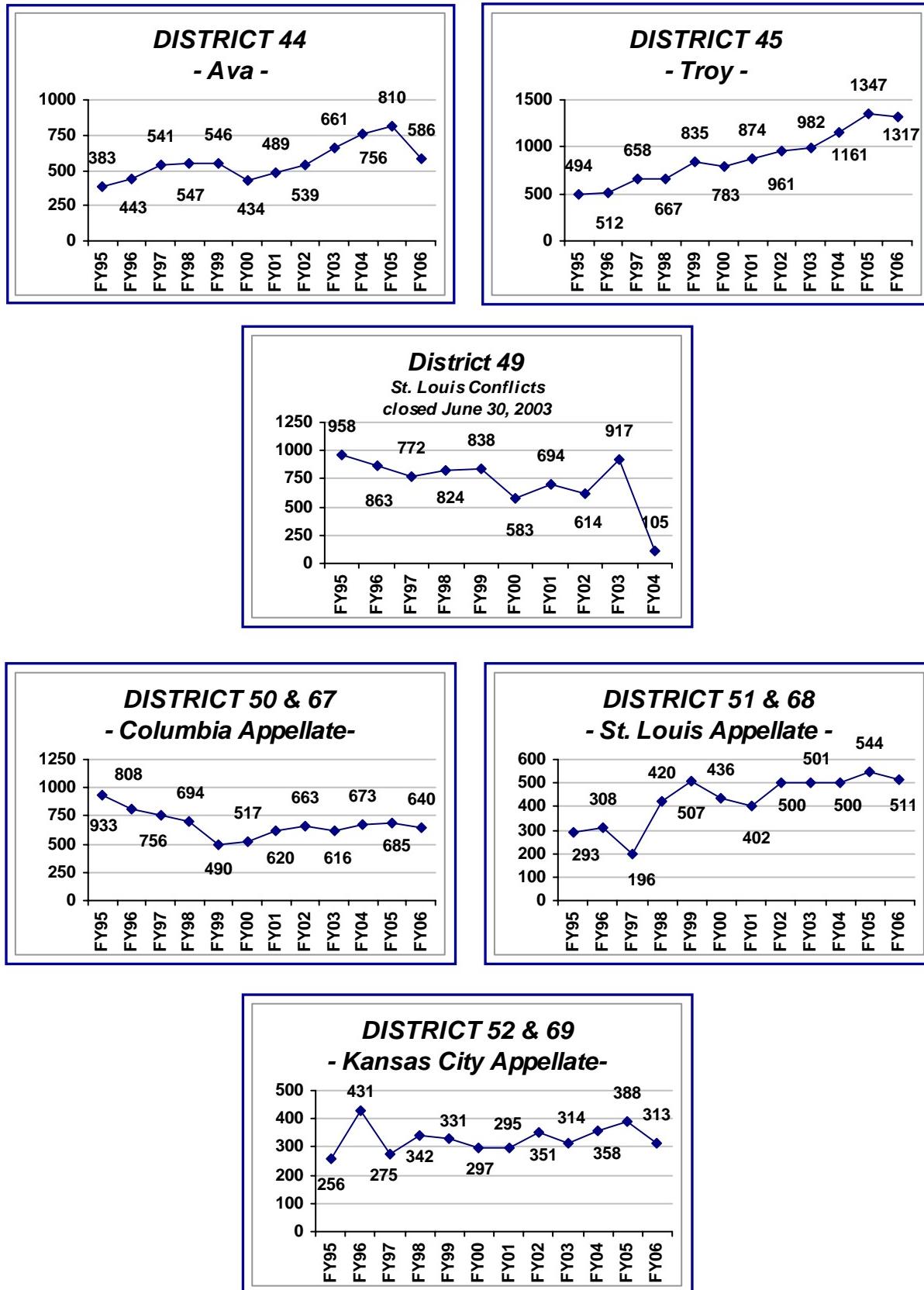
Disposed Caseload -By District FY1995 to FY2006



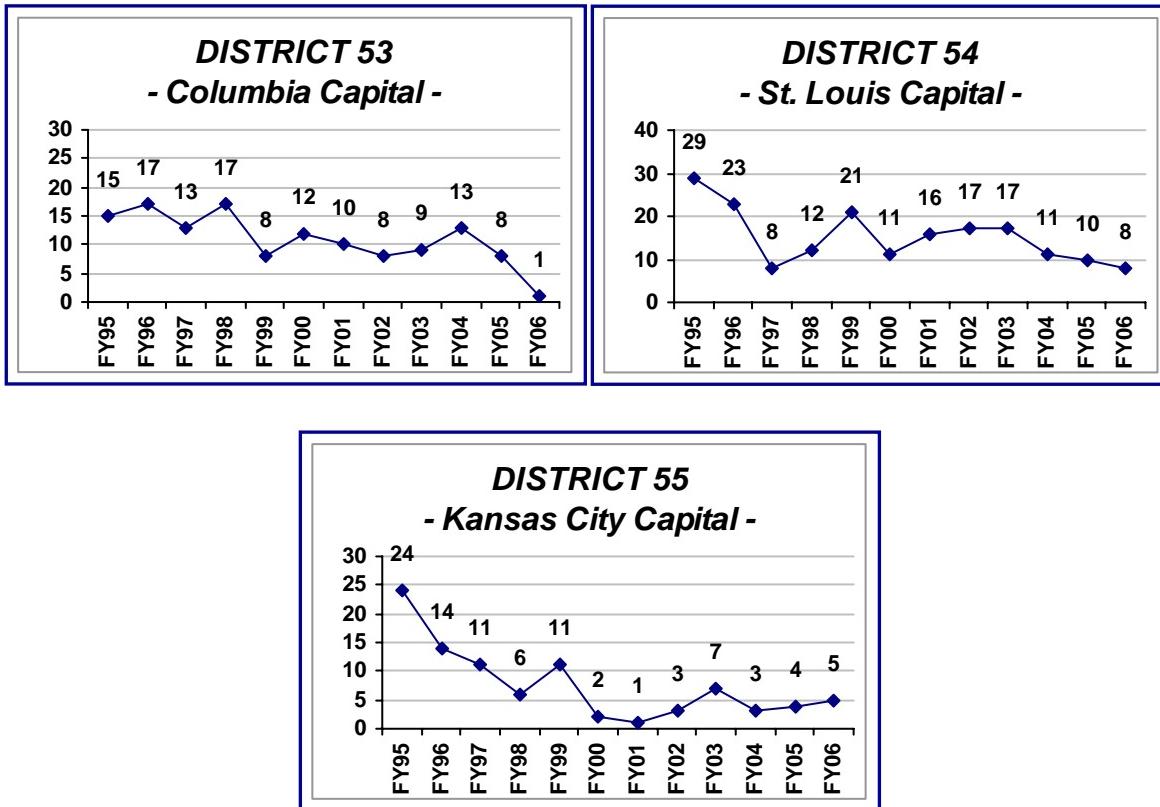
Disposed Caseload -By District FY1995 to FY2006



Disposed Caseload -By District FY1995 to FY2006



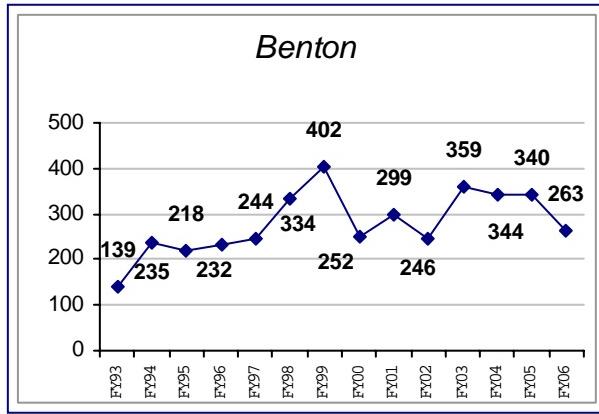
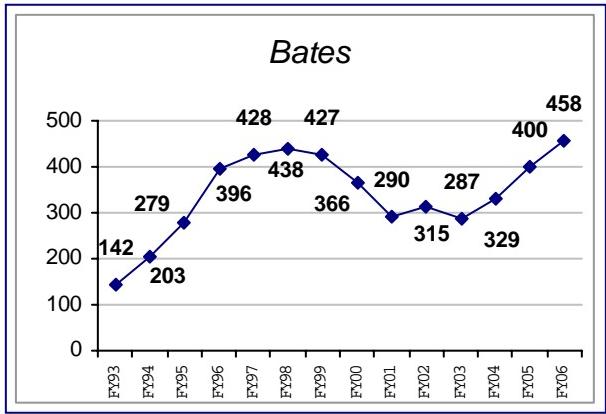
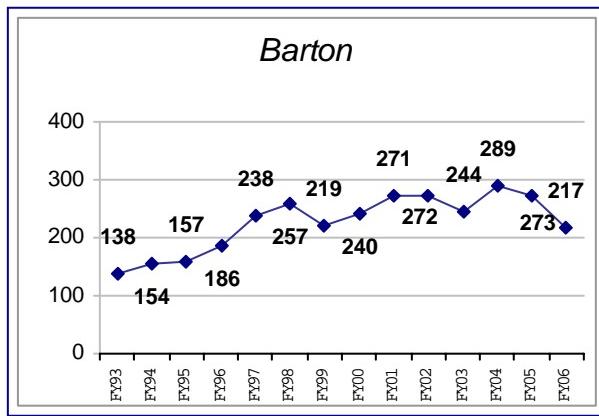
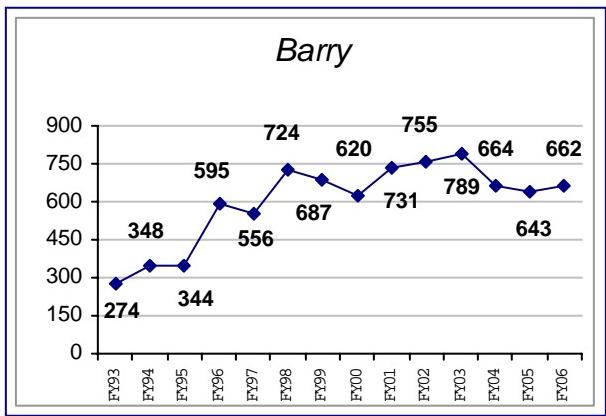
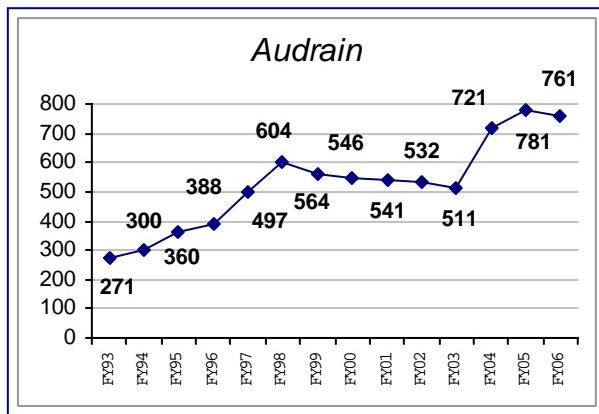
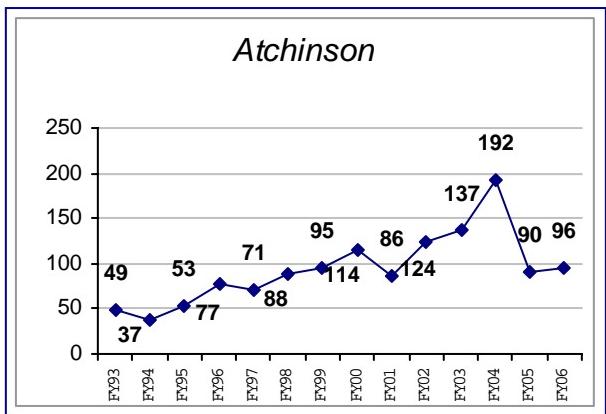
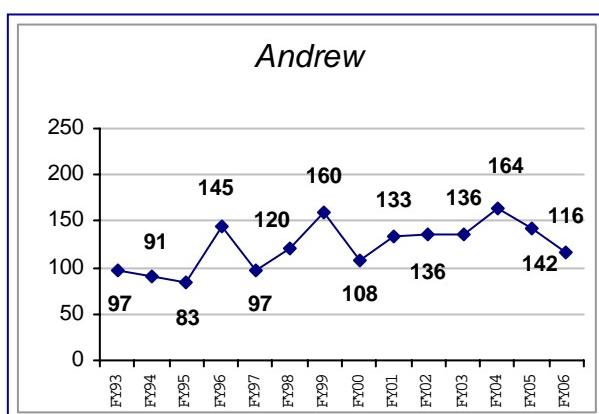
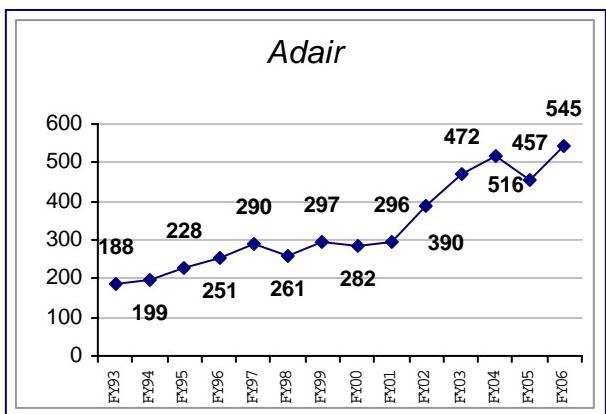
Disposed Caseload -By District FY1995 to FY2006



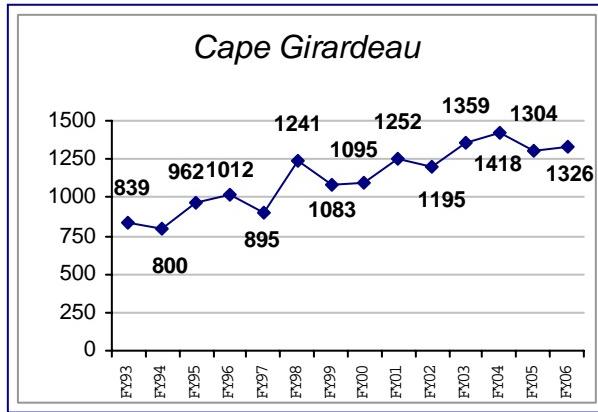
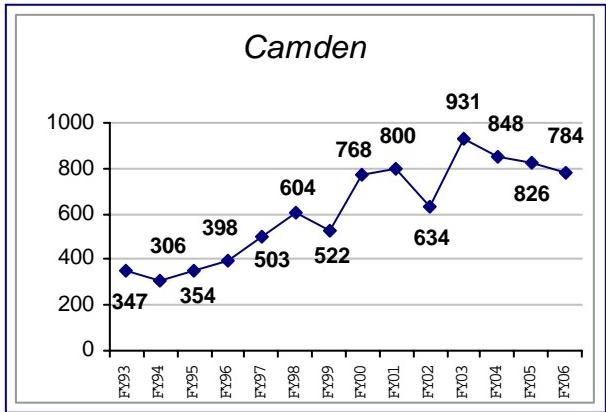
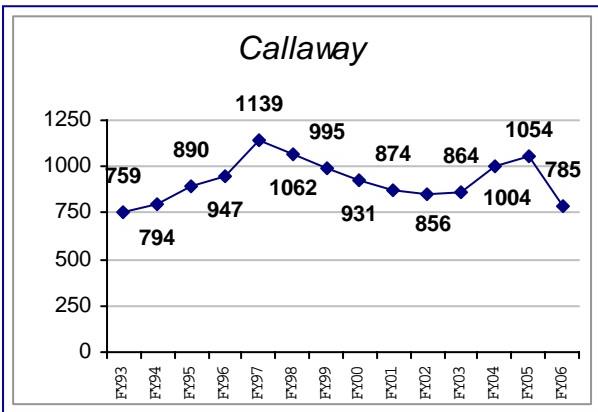
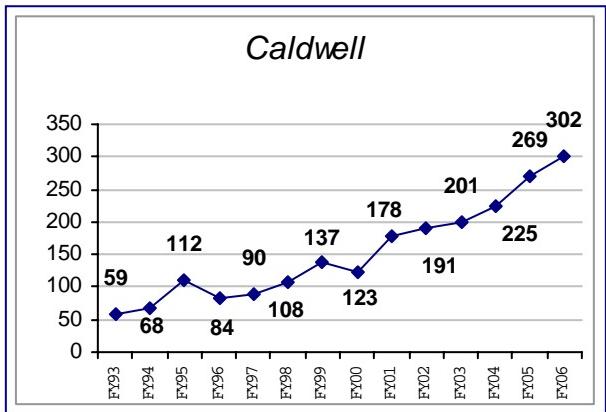
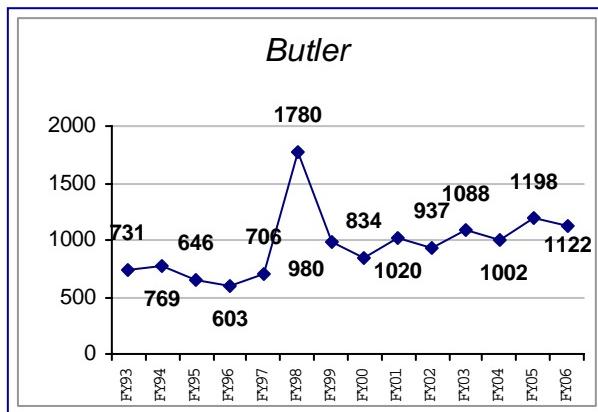
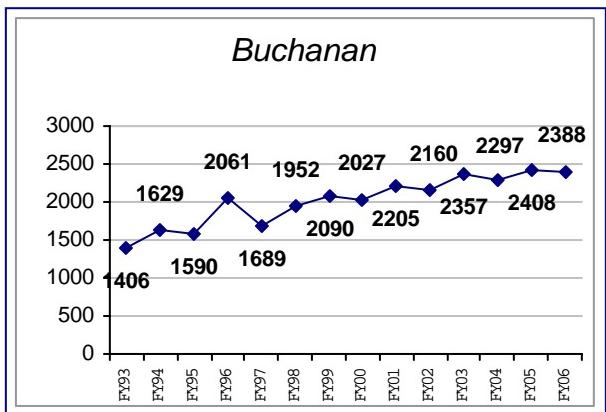
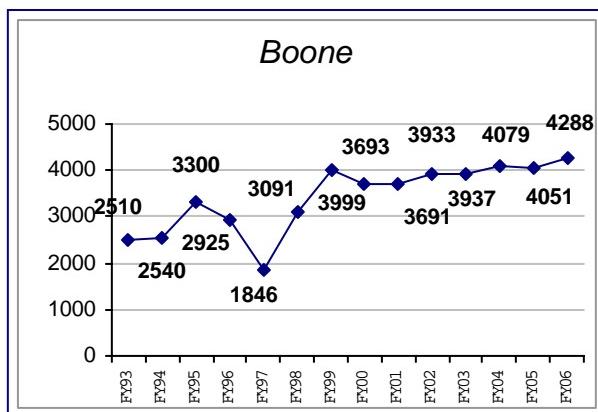
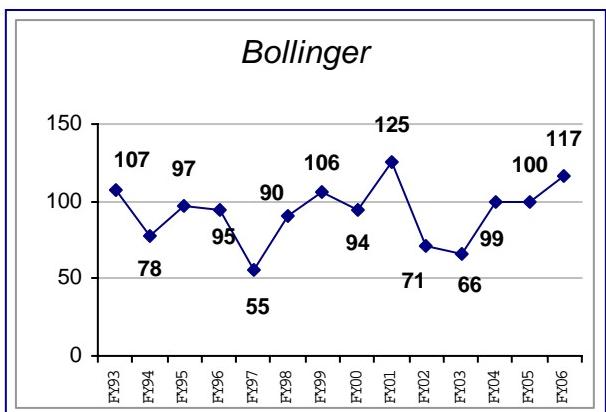
FY2006
Trial Division
Opened and Closed by County

| County | Opened | Closed | County | Opened | Closed | County | Opened | Closed |
|----------------|--------|--------|-------------|--------|--------|------------------|--------|--------|
| | Opened | Closed | | Opened | Closed | | Opened | Closed |
| ADAIR | 537 | 545 | HARRISON | 200 | 189 | PIKE | 324 | 325 |
| ANDREW | 108 | 116 | HENRY | 571 | 531 | PLATTE | 1204 | 1185 |
| ATCHISON | 89 | 96 | HICKORY | 132 | 128 | POLK | 577 | 595 |
| AUDRAIN | 839 | 761 | HOLT | 78 | 61 | PULASKI | 681 | 599 |
| BARRY | 683 | 662 | HOWARD | 102 | 91 | PUTNAM | 155 | 131 |
| BARTON | 245 | 217 | HOWELL | 739 | 689 | RALLS | 178 | 178 |
| BATES | 473 | 458 | IRON | 306 | 284 | RANDOLPH | 714 | 666 |
| BENTON | 292 | 263 | JACKSON | 9301 | 8514 | RAY | 510 | 529 |
| BOLLINGER | 127 | 117 | JASPER | 2702 | 2657 | REYNOLDS | 73 | 62 |
| BOONE | 4622 | 4288 | JEFFERSON | 1946 | 1860 | RIPLEY | 321 | 311 |
| BUCHANAN | 2475 | 2328 | JOHNSON | 575 | 507 | SALINE | 438 | 431 |
| BUTLER | 1143 | 1122 | KNOX | 31 | 43 | SCHUYLER | 58 | 51 |
| CALDWELL | 317 | 302 | LACLEDE | 802 | 810 | SCOTTLAND | 47 | 49 |
| CALLAWAY | 819 | 785 | LAFAYETTE | 674 | 658 | SCOTT | 703 | 602 |
| CAMDEN | 794 | 764 | LAWRENCE | 713 | 579 | SHANNON | 198 | 131 |
| CAPE GIRARDEAU | 1420 | 1326 | LEWIS | 117 | 141 | SHELBY | 158 | 166 |
| CARROLL | 168 | 166 | LINCOLN | 1042 | 994 | SOUTHERN | 2 | 1 |
| CARTER | 166 | 155 | LINN | 291 | 307 | ST. CHARLES | 1379 | 1272 |
| CASS | 902 | 880 | LIVINGSTON | 316 | 300 | ST. CLAIR | 207 | 226 |
| CEDAR | 352 | 331 | MACON | 376 | 381 | ST. FRANCOIS | 1011 | 1021 |
| CHARITON | 115 | 121 | MADISON | 100 | 101 | ST. LOUIS CITY | 7547 | 6695 |
| CHRISTIAN | 804 | 776 | MARIES | 149 | 135 | ST. LOUIS COUNTY | 4007 | 3682 |
| CLARK | 200 | 172 | MARION | 777 | 709 | STE. GENEVIEVE | 176 | 170 |
| CLAY | 1878 | 1832 | MCDONALD | 442 | 391 | STODDARD | 717 | 652 |
| CLINTON | 296 | 281 | MERCER | 89 | 86 | STONE | 486 | 502 |
| COLE | 970 | 920 | MILLER | 504 | 491 | SULLIVAN | 113 | 124 |
| COOPER | 209 | 213 | MISSISSIPPI | 406 | 379 | SUPREME | 1 | 1 |
| CRAWFORD | 683 | 665 | MONITEAU | 185 | 170 | TANEY | 956 | 913 |
| DADE | 137 | 149 | MONROE | 135 | 139 | TEXAS | 490 | 514 |
| DALLAS | 406 | 341 | MONTGOMERY | 193 | 182 | VERNON | 503 | 587 |
| DAVIESS | 281 | 277 | MORGAN | 533 | 482 | WARREN | 372 | 351 |
| DEKALB | 223 | 221 | NEW MADRID | 525 | 470 | WASHINGTON | 611 | 567 |
| DENT | 416 | 363 | NEWTON | 1139 | 1178 | WAYNE | 263 | 271 |
| DOUGLAS | 212 | 219 | NODAWAY | 116 | 110 | WEBSTER | 573 | 522 |
| DUNKLIN | 991 | 1001 | OREGON | 203 | 193 | WESTERN | 4 | 3 |
| EASTERN | 1 | 2 | OSAGE | 117 | 110 | WORTH | 8 | 17 |
| FRANKLIN | 1320 | 1269 | OZARK | 196 | 185 | WRIGHT | 489 | 483 |
| GASCONADE | 201 | 218 | PEMISCOT | 573 | 565 | CDU | 38 | 19 |
| GENTRY | 73 | 71 | PERRY | 247 | 206 | | | |
| GREENE | 3912 | 3427 | PETTIS | 680 | 657 | | 86368 | 81080 |
| GRUNDY | 274 | 253 | PHELPS | 1580 | 1340 | | | |

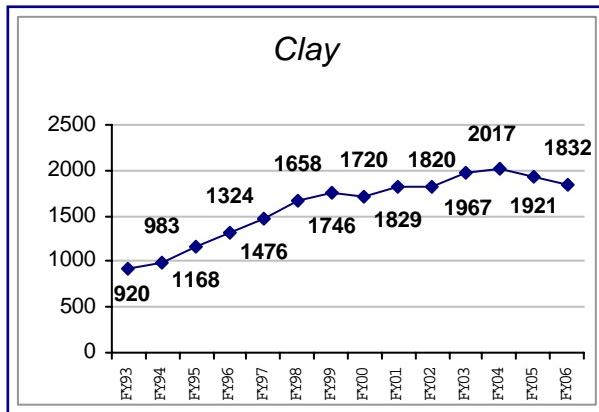
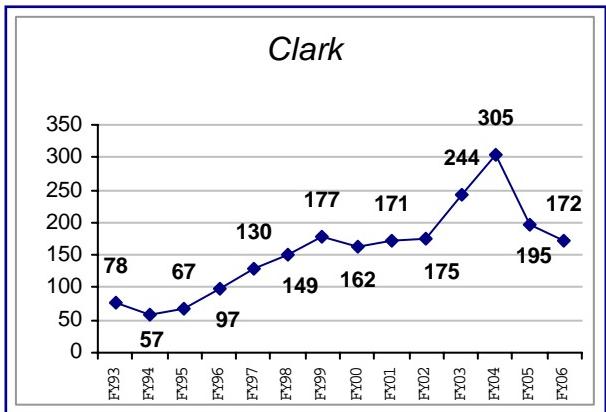
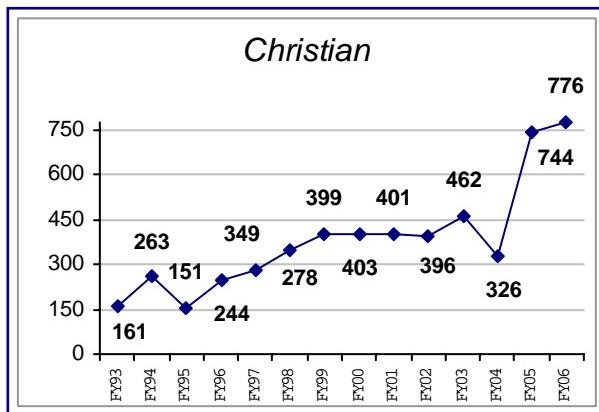
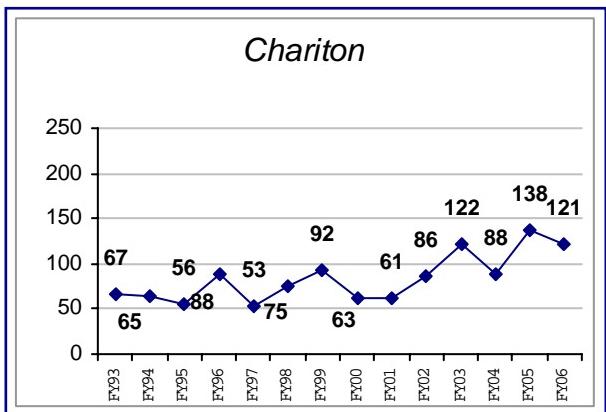
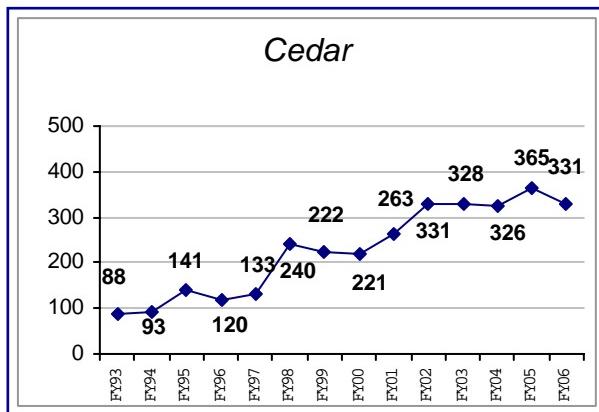
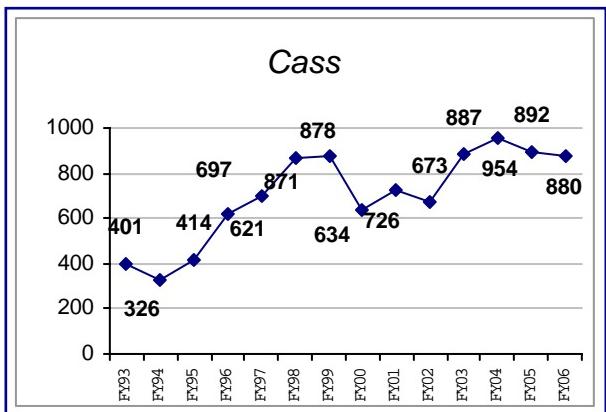
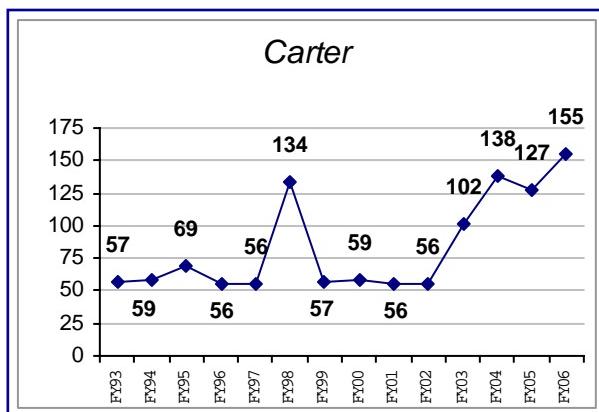
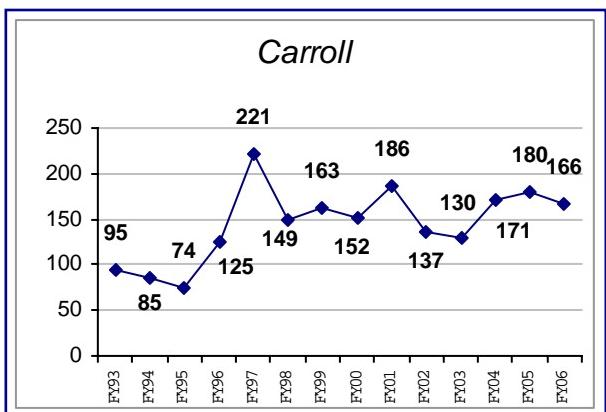
FISCAL YEAR COMPARISON—TRIAL DIVISION CASELOAD— CLOSED CASES BY COUNTY



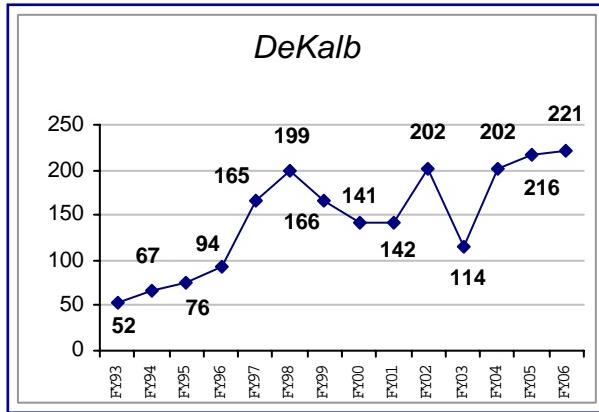
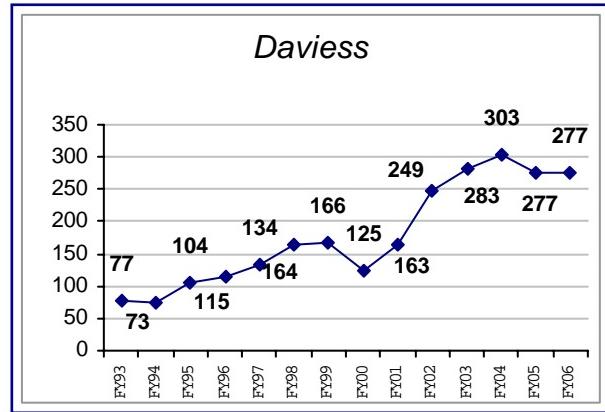
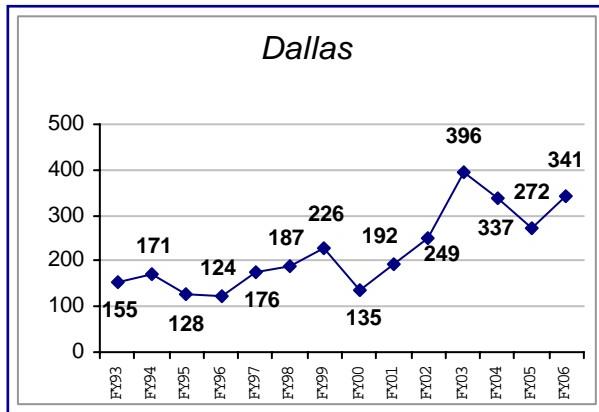
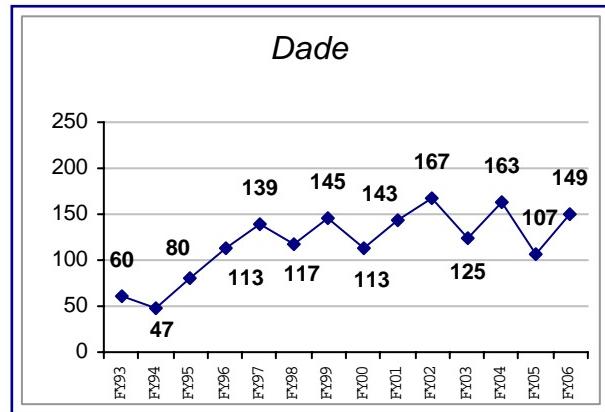
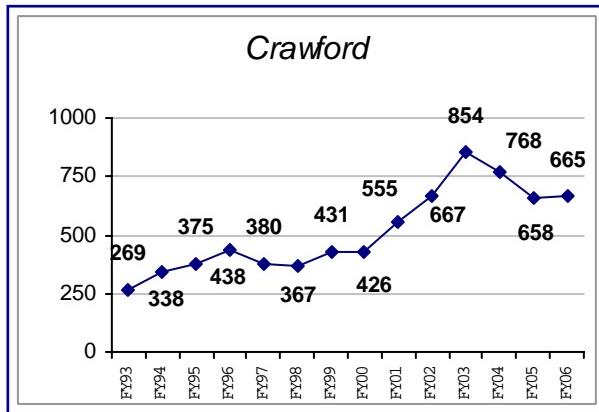
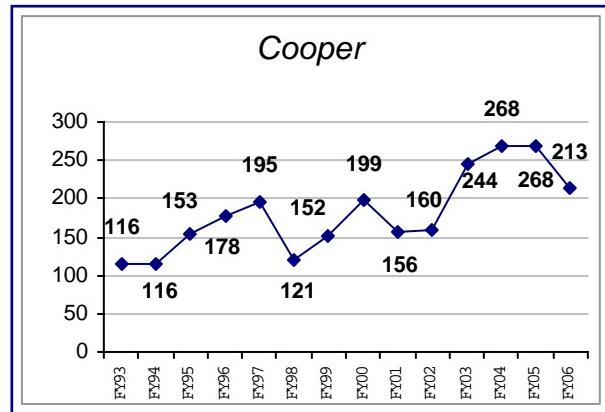
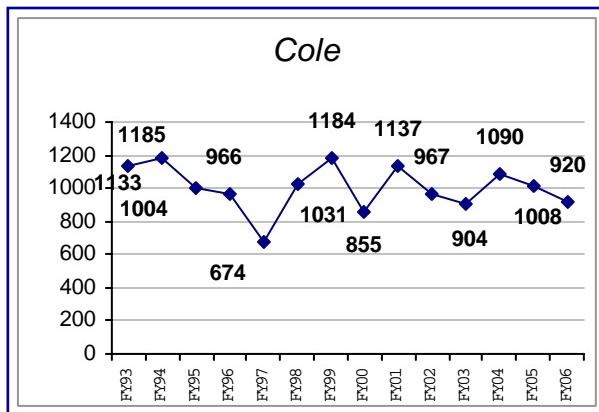
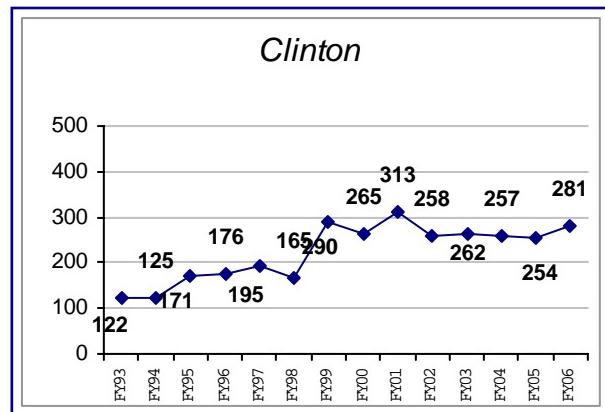
FISCAL YEAR COMPARISON—TRIAL DIVISION CASELOAD— CLOSED CASES BY COUNTY



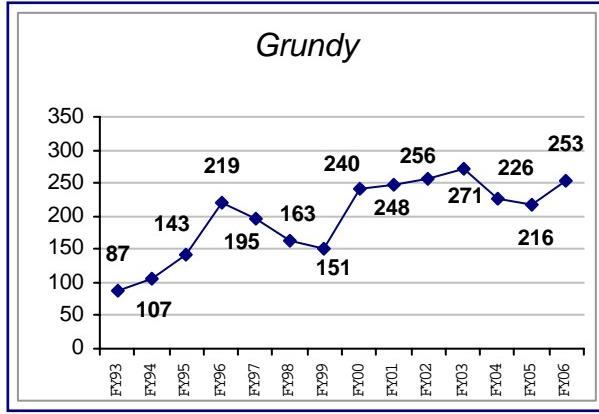
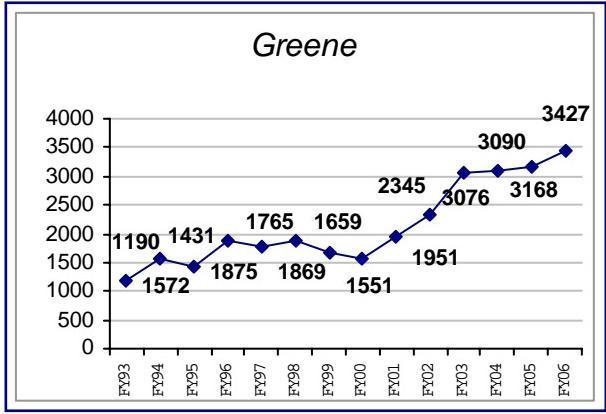
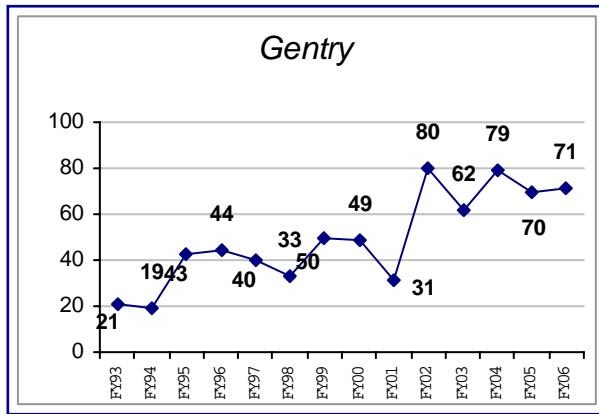
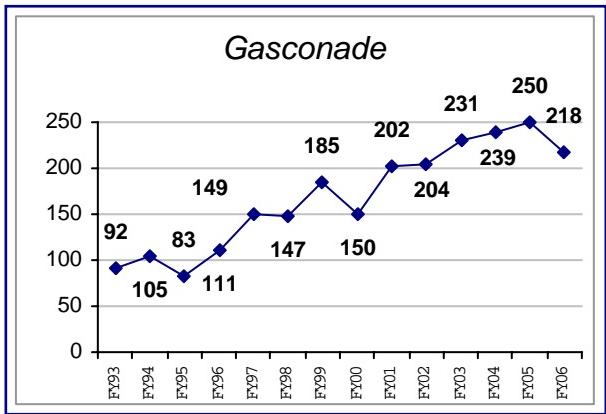
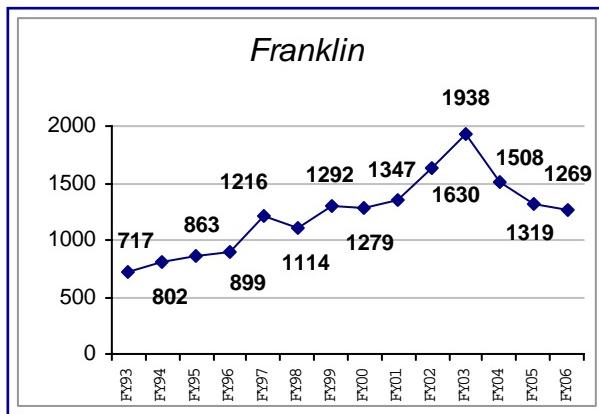
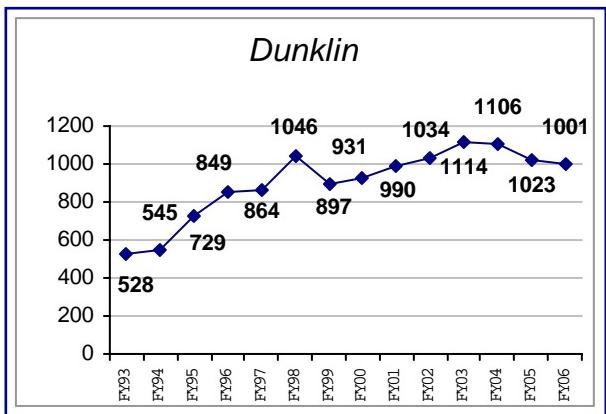
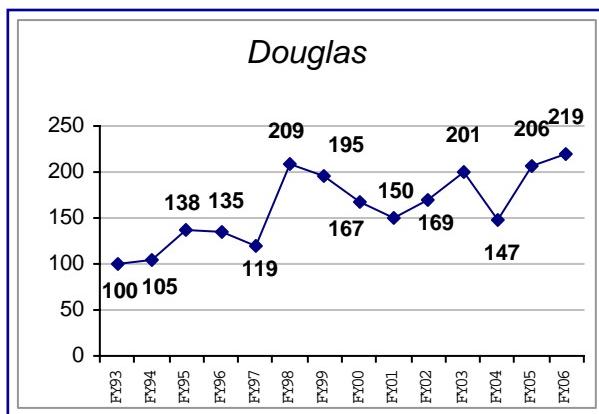
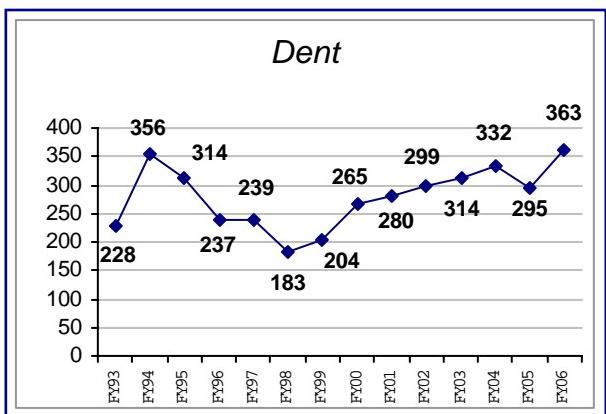
FISCAL YEAR COMPARISON—TRIAL DIVISION CASELOAD— CLOSED CASES BY COUNTY



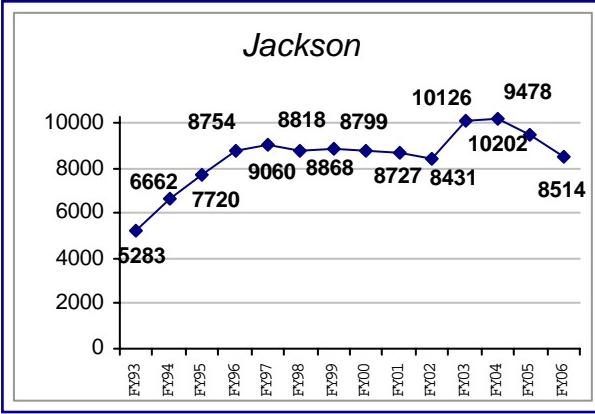
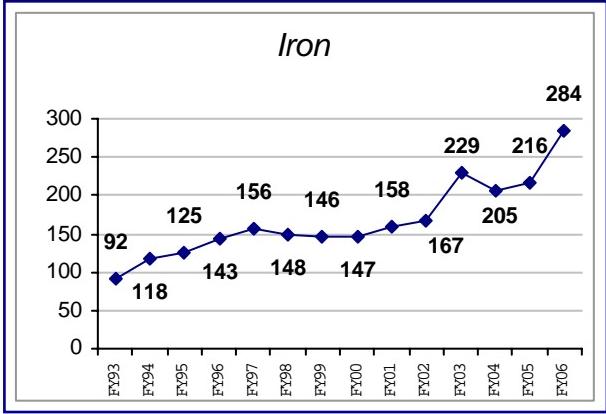
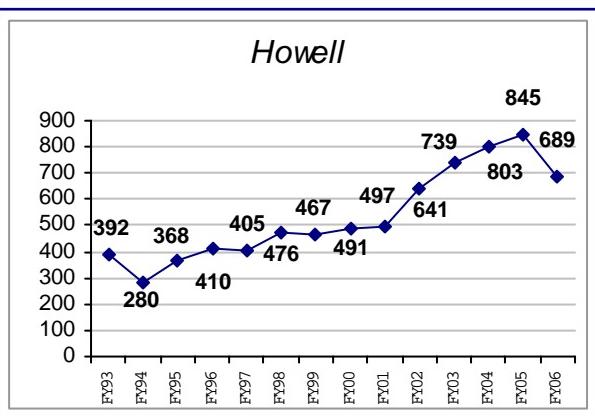
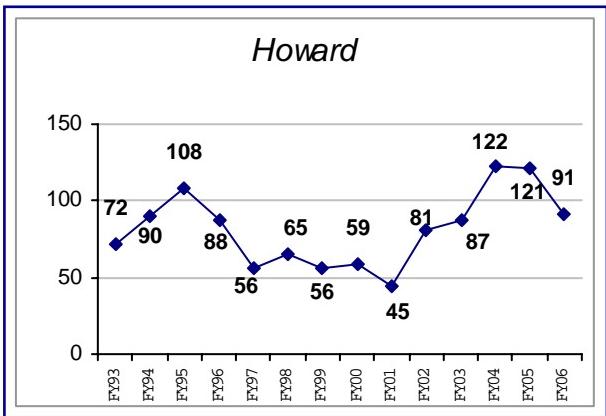
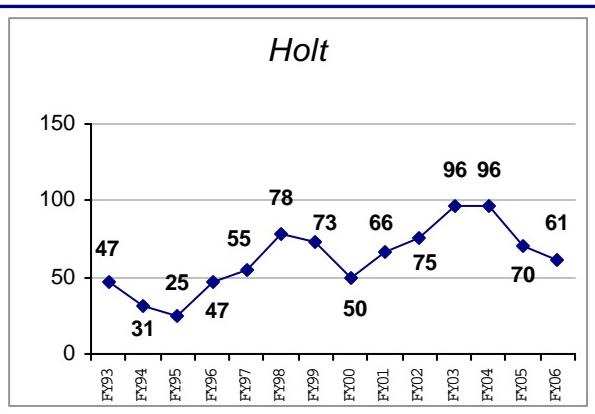
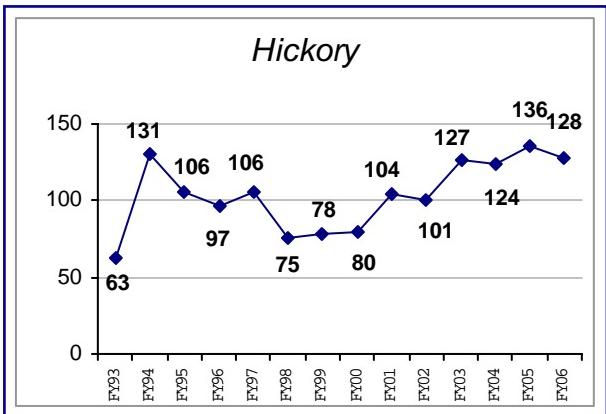
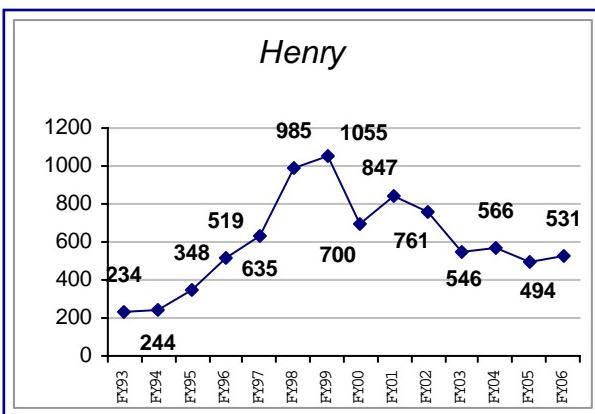
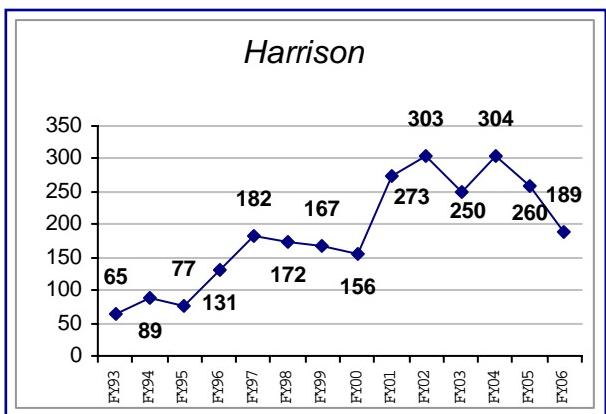
FISCAL YEAR COMPARISON—TRIAL DIVISION CASELOAD— CLOSED CASES BY COUNTY



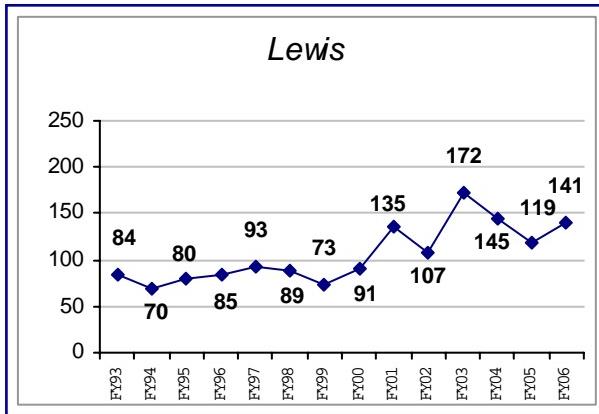
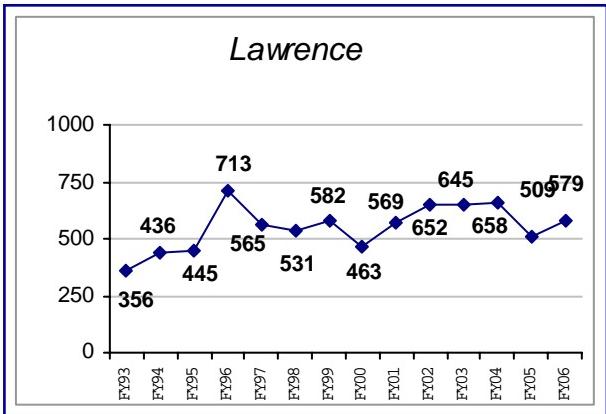
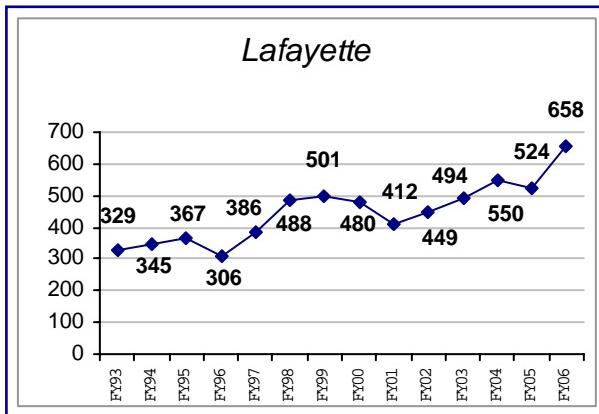
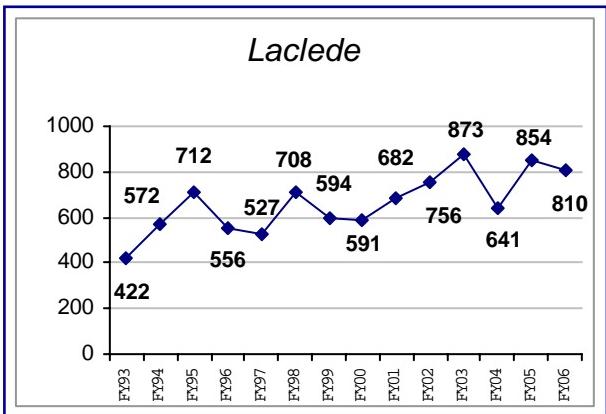
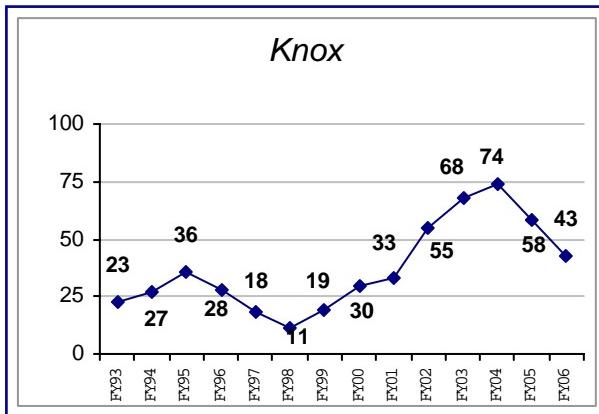
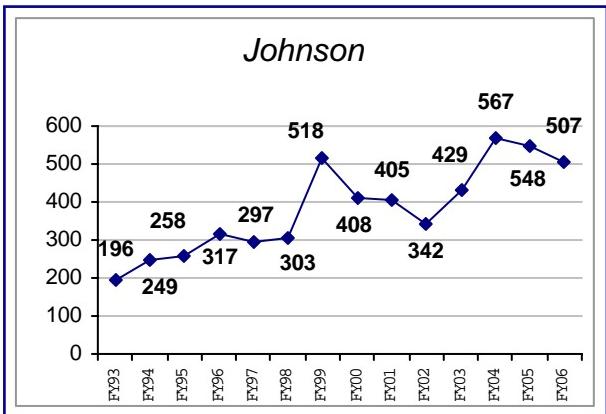
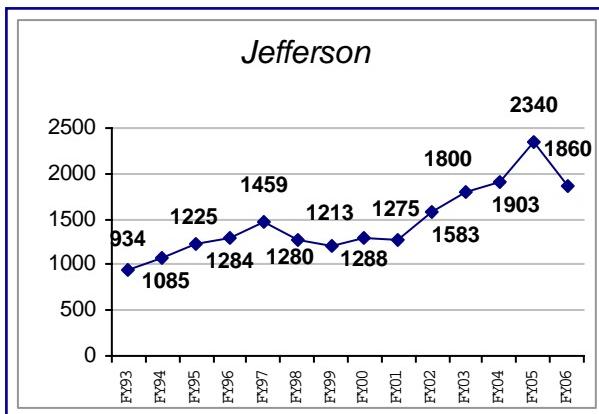
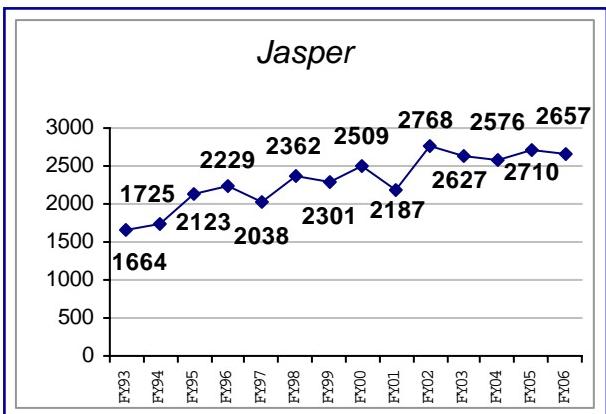
FISCAL YEAR COMPARISON—TRIAL DIVISION CASELOAD— CLOSED CASES BY COUNTY



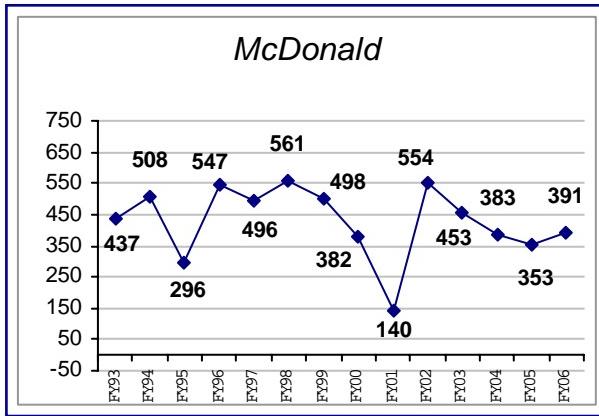
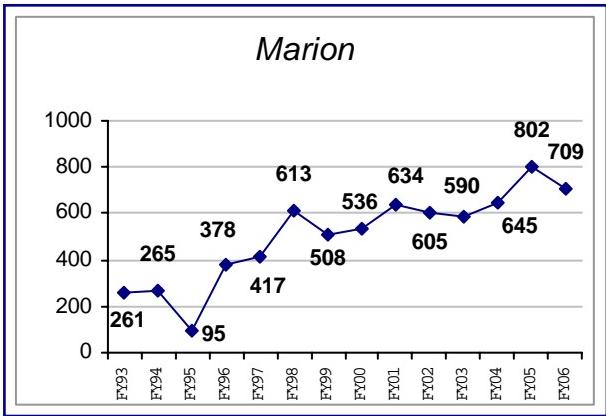
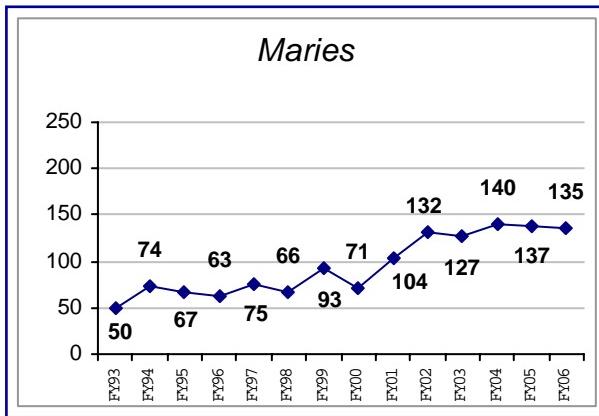
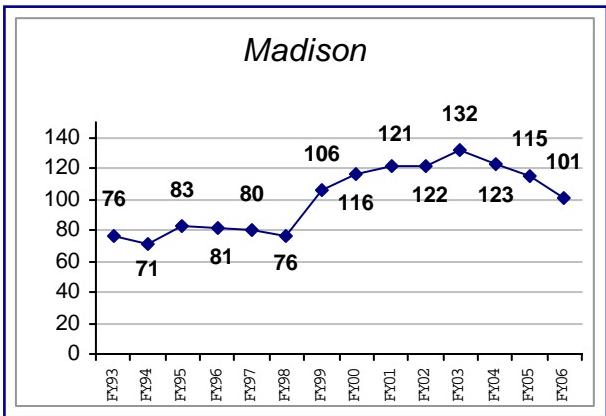
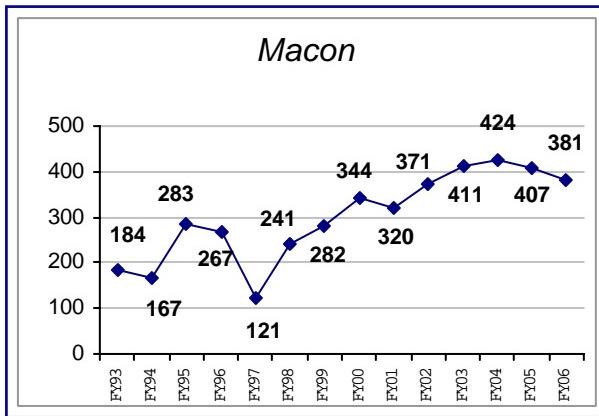
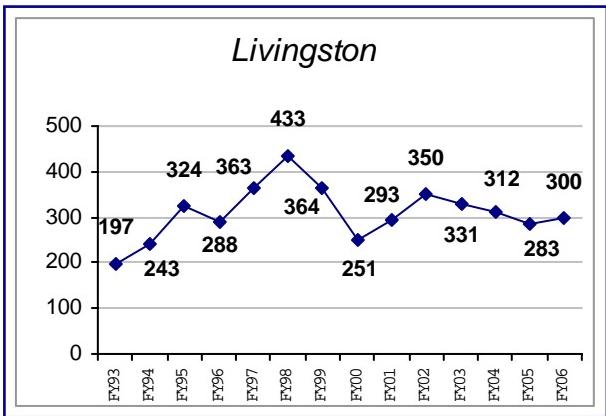
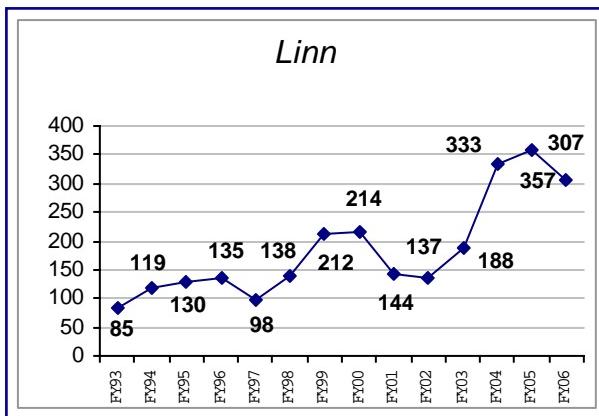
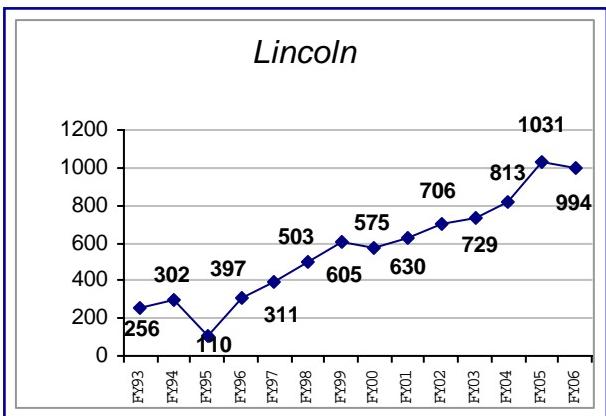
FISCAL YEAR COMPARISON—TRIAL DIVISION CASELOAD— CLOSED CASES BY COUNTY



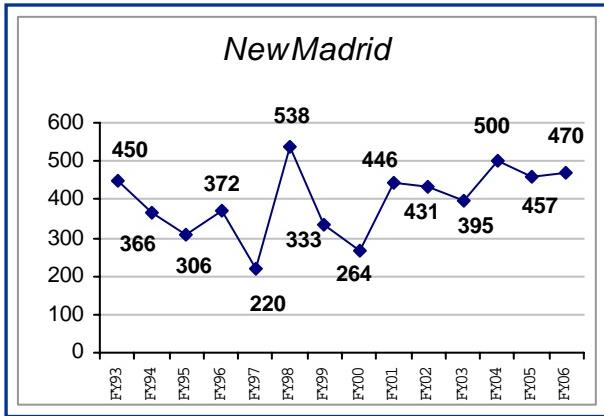
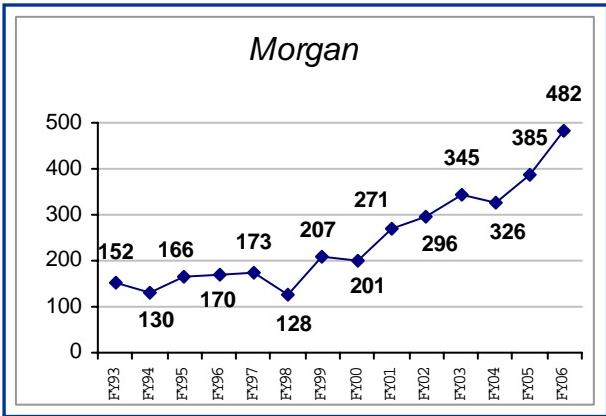
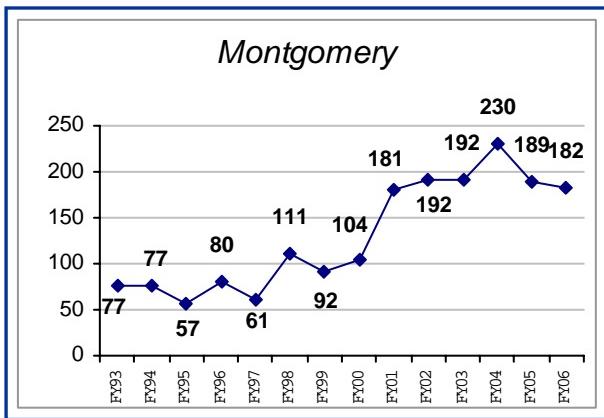
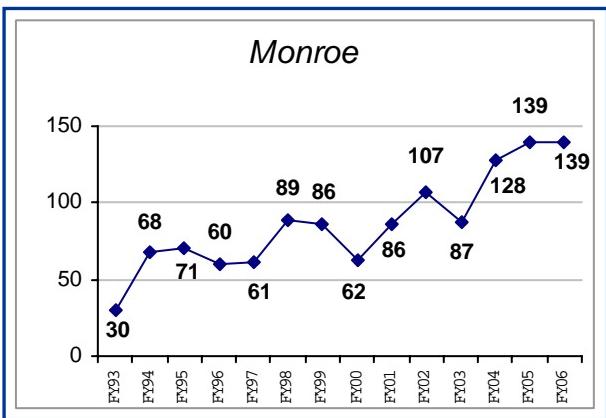
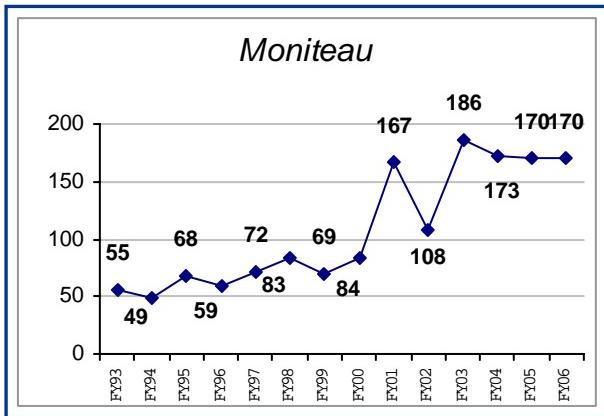
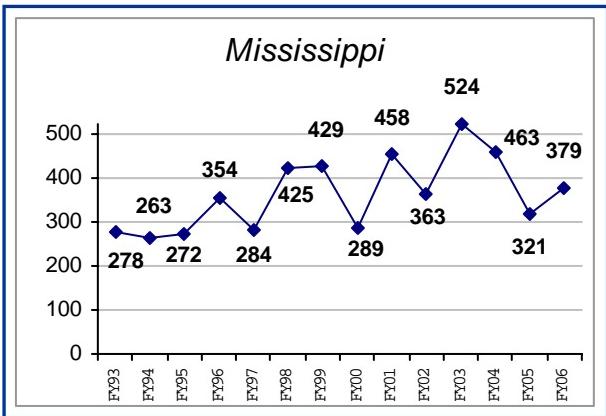
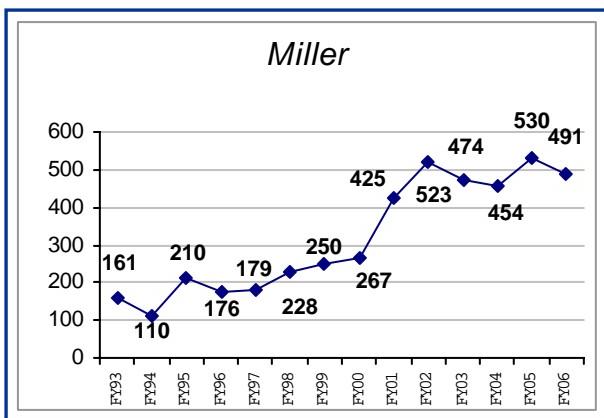
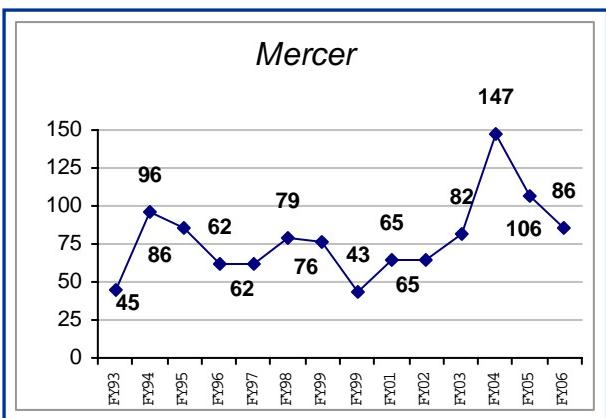
FISCAL YEAR COMPARISON—TRIAL DIVISION CASELOAD— CLOSED CASES BY COUNTY



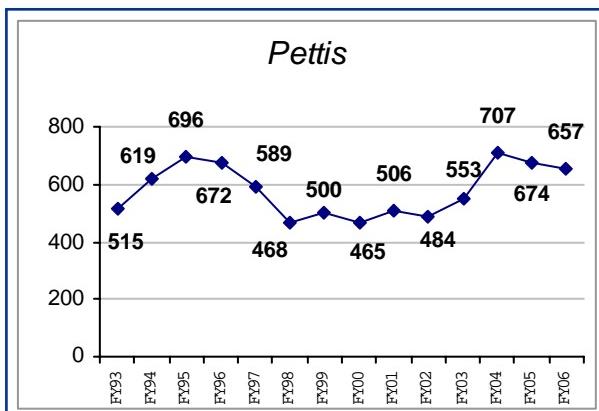
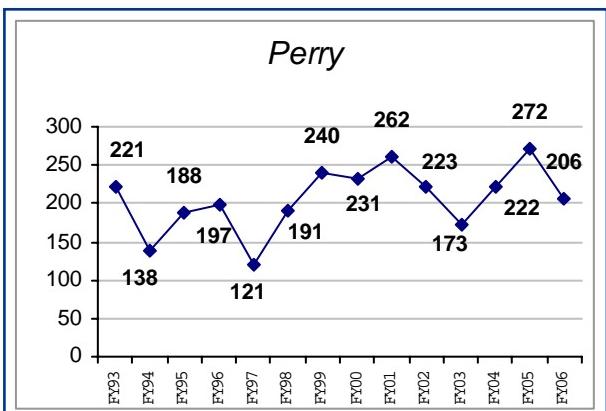
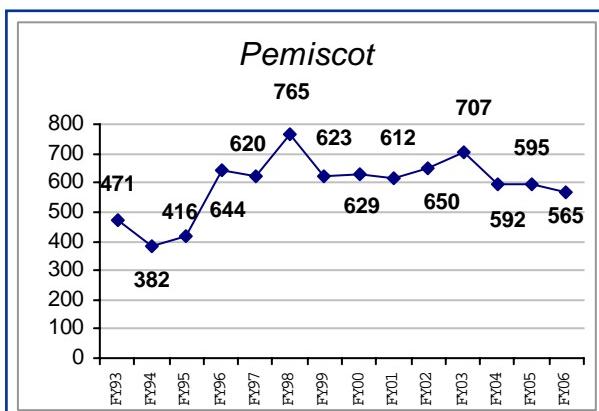
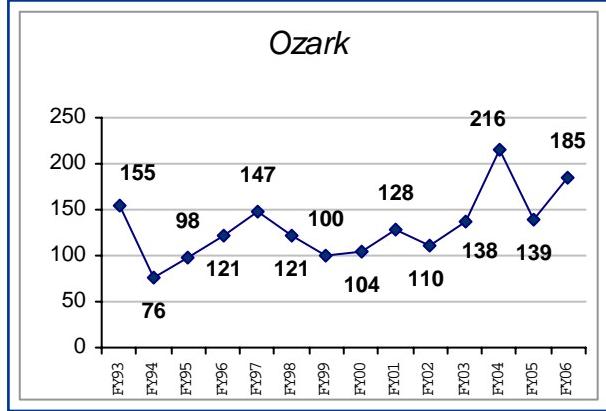
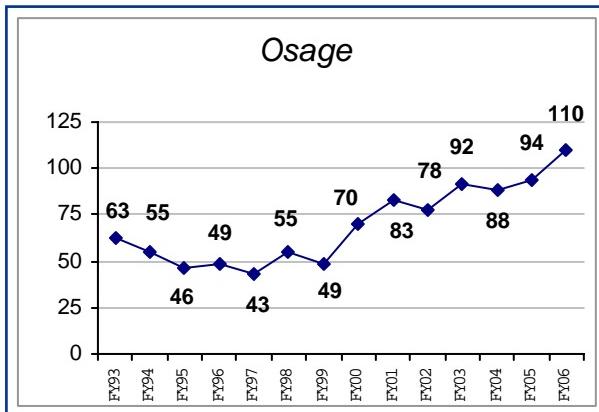
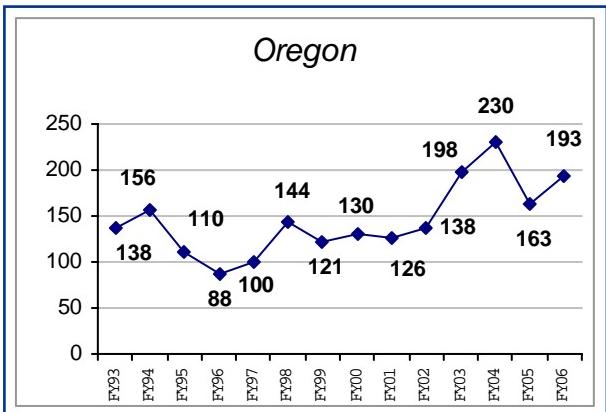
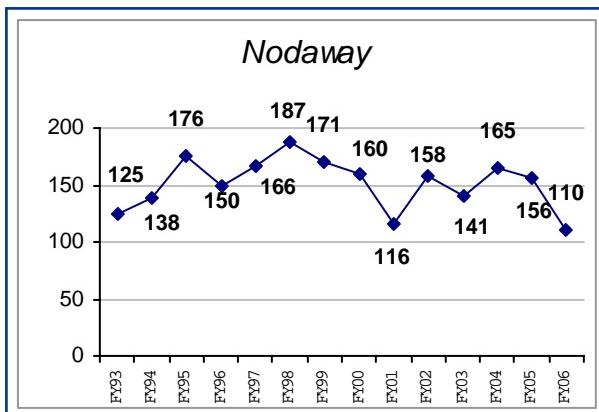
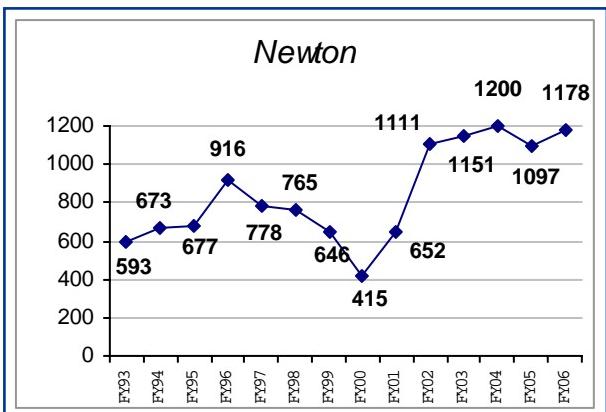
FISCAL YEAR COMPARISON—TRIAL DIVISION CASELOAD— CLOSED CASES BY COUNTY



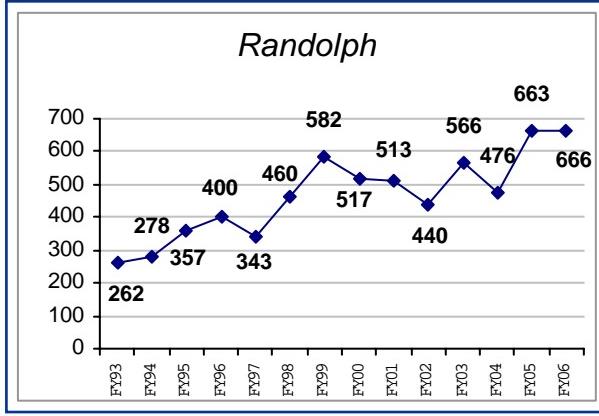
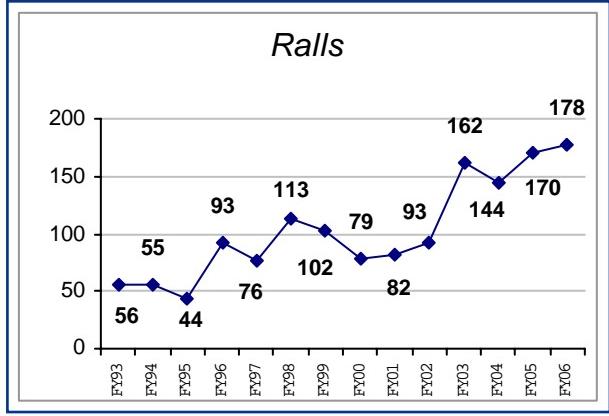
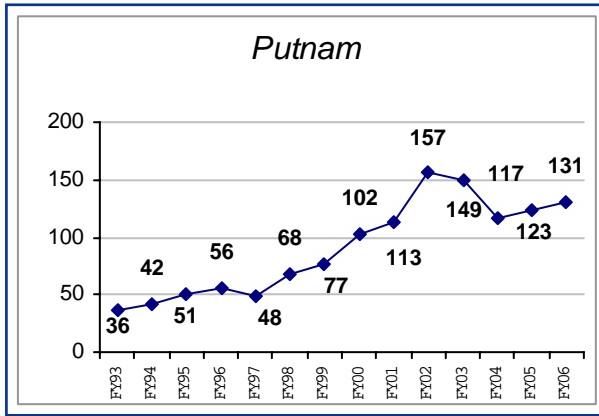
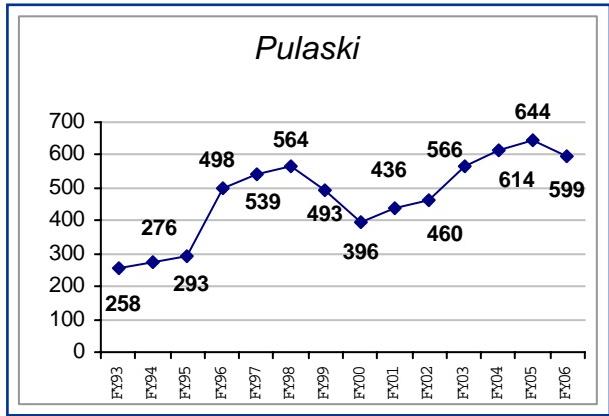
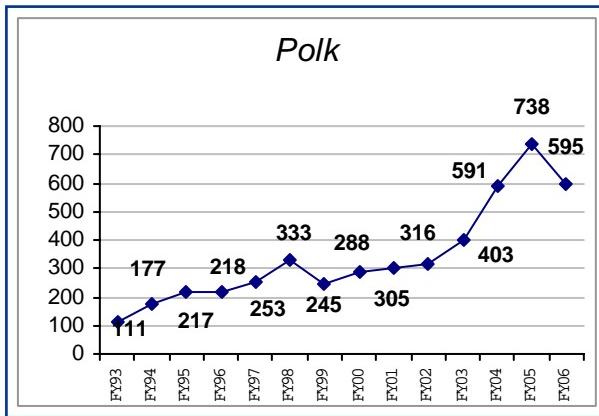
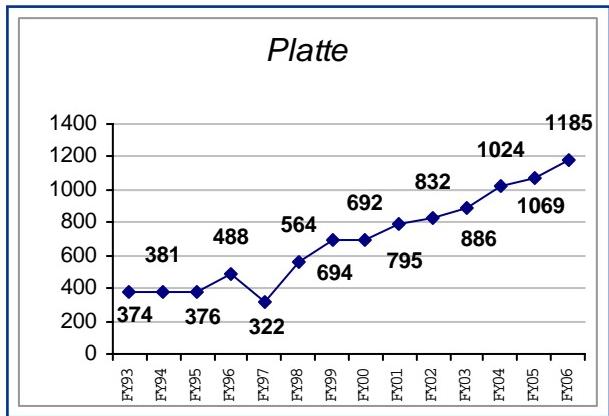
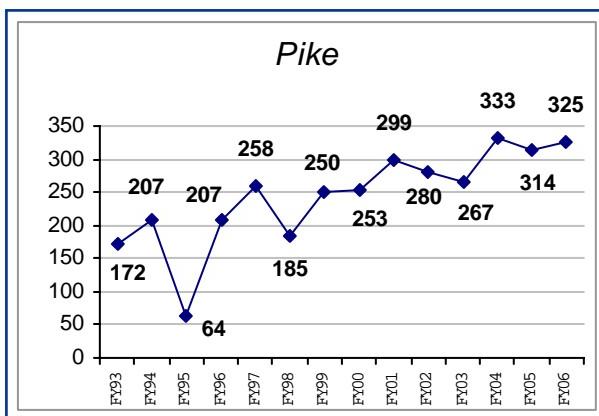
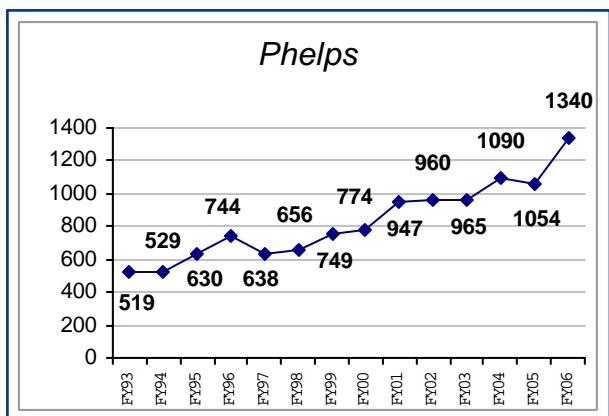
FISCAL YEAR COMPARISON—TRIAL DIVISION CASELOAD— CLOSED CASES BY COUNTY



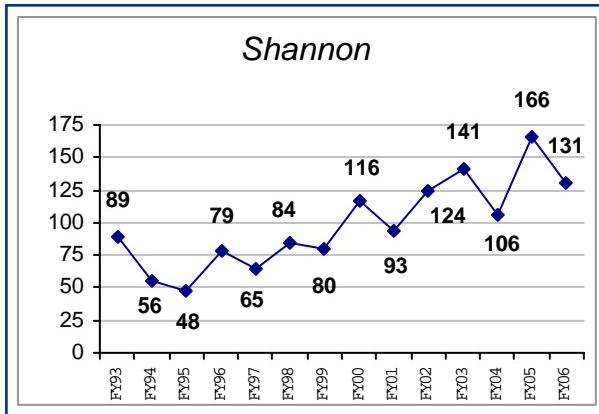
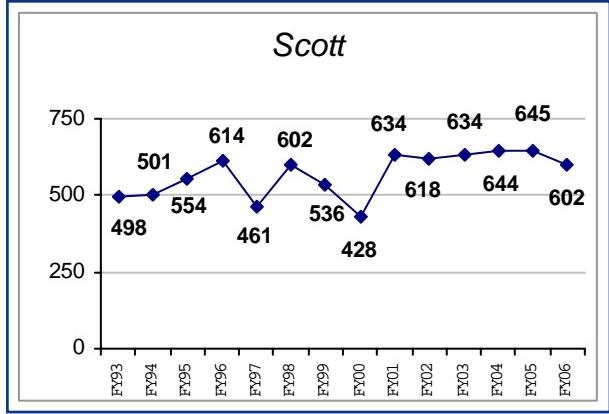
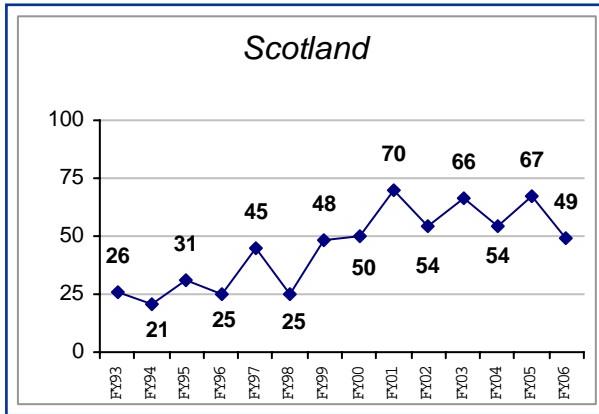
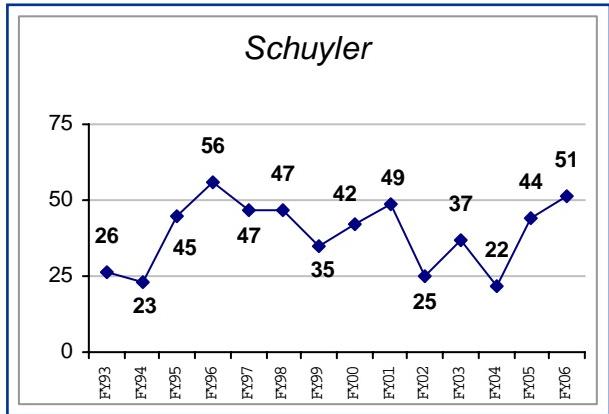
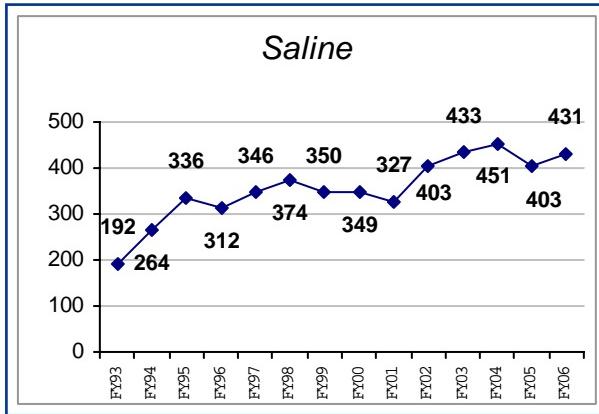
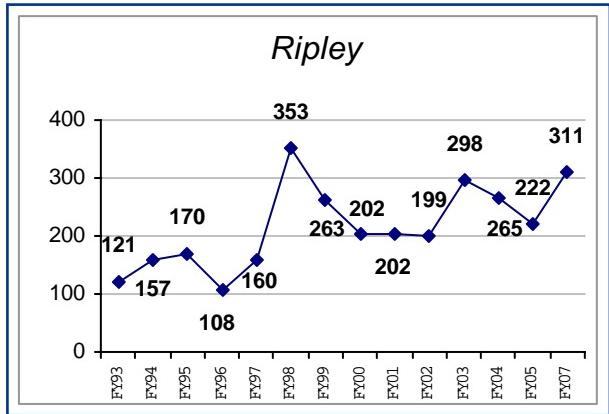
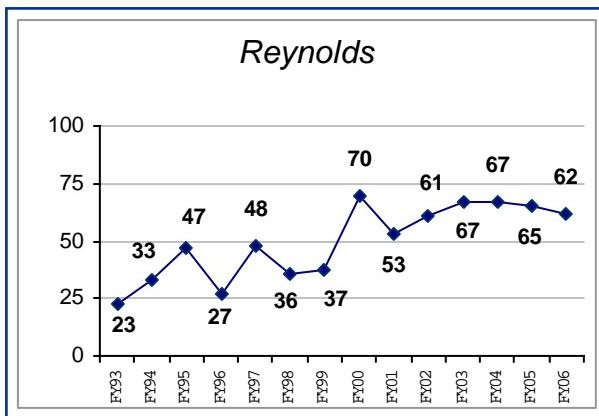
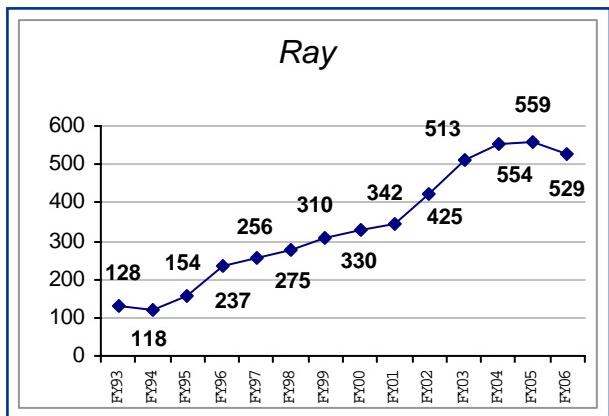
FISCAL YEAR COMPARISON—TRIAL DIVISION CASELOAD— CLOSED CASES BY COUNTY



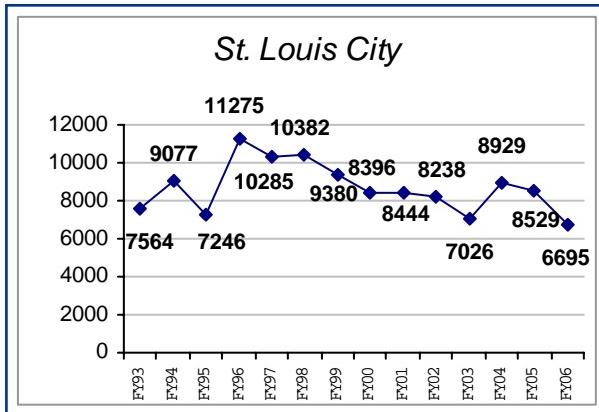
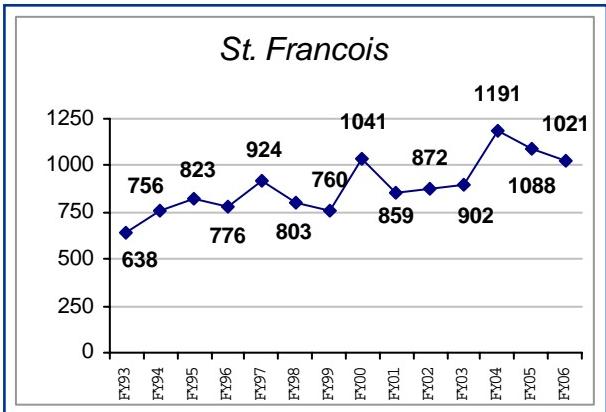
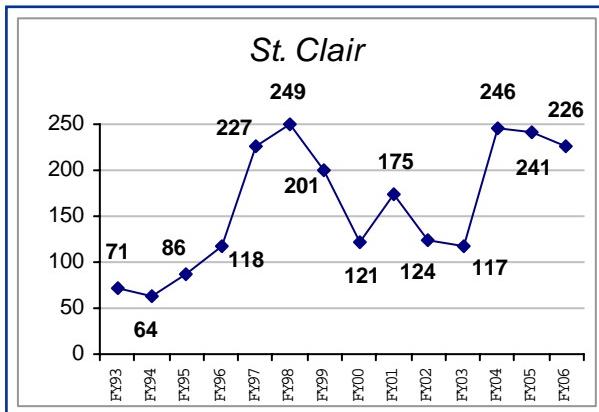
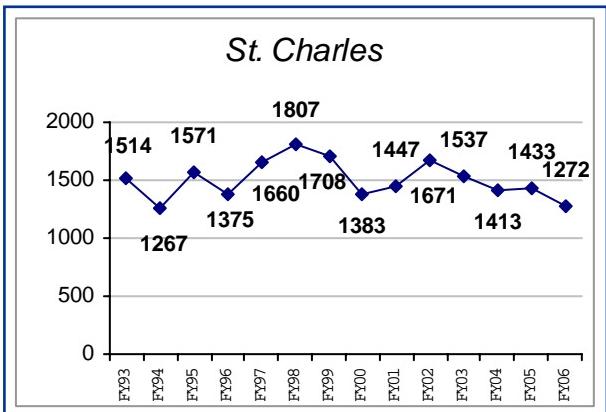
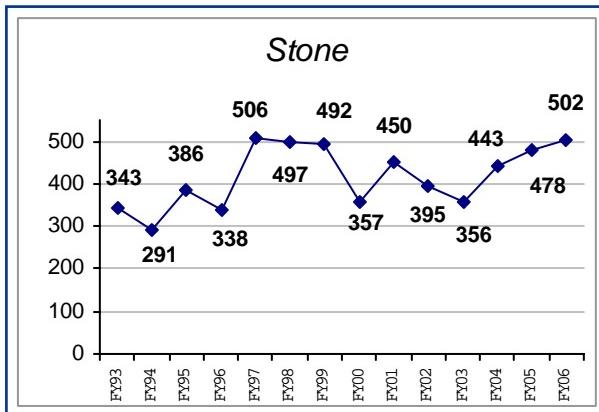
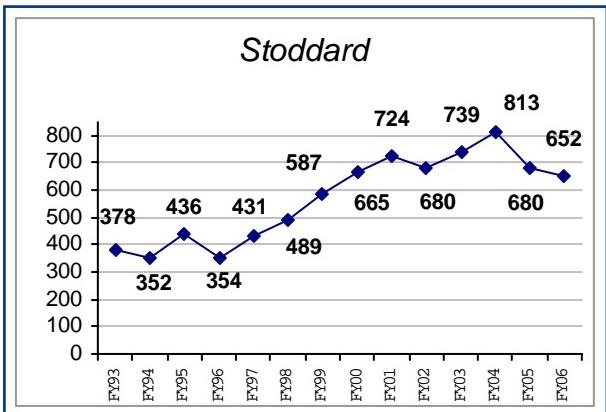
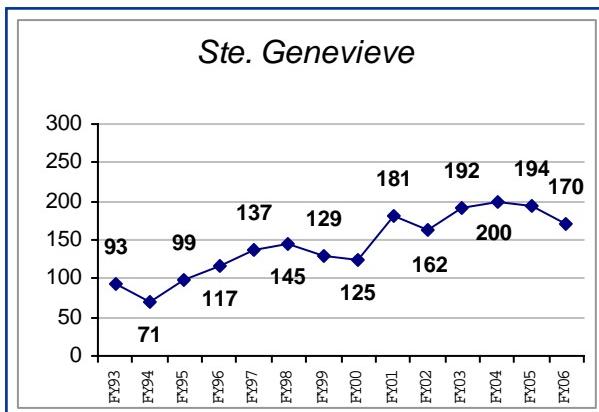
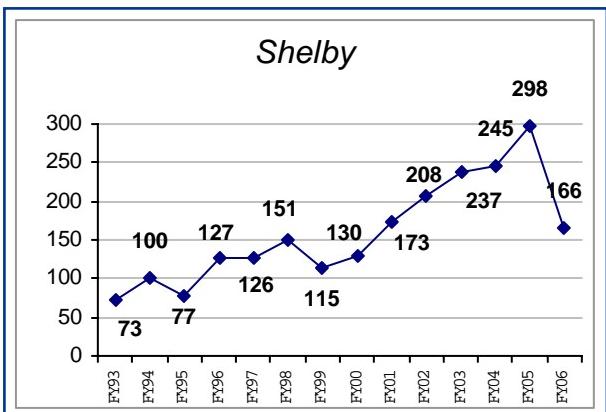
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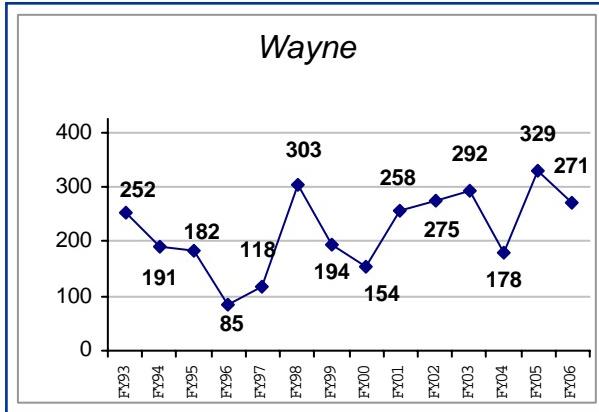
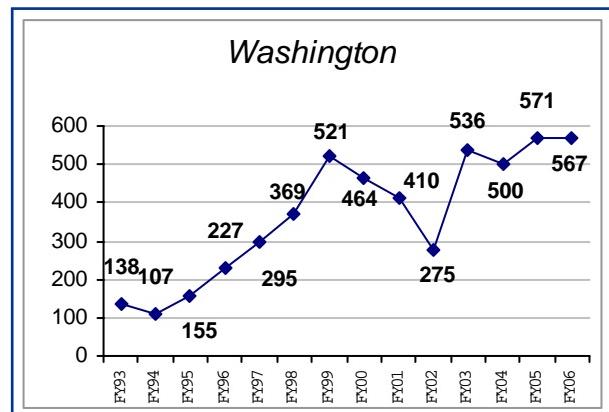
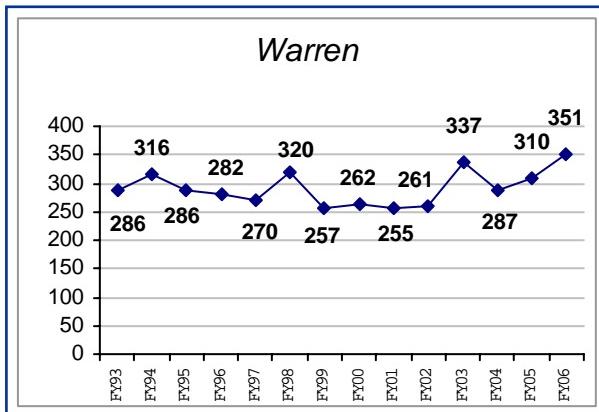
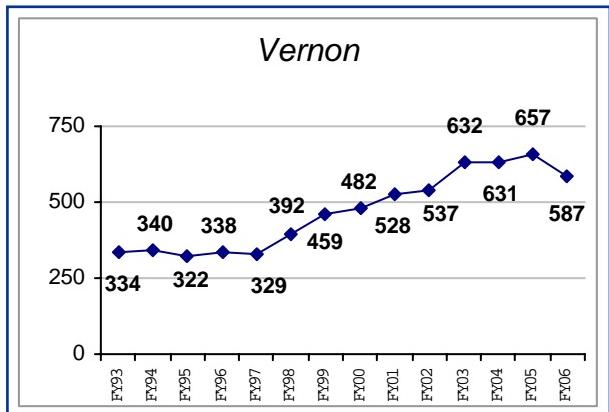
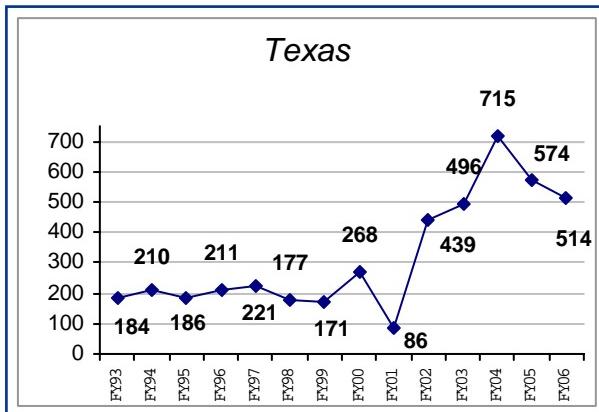
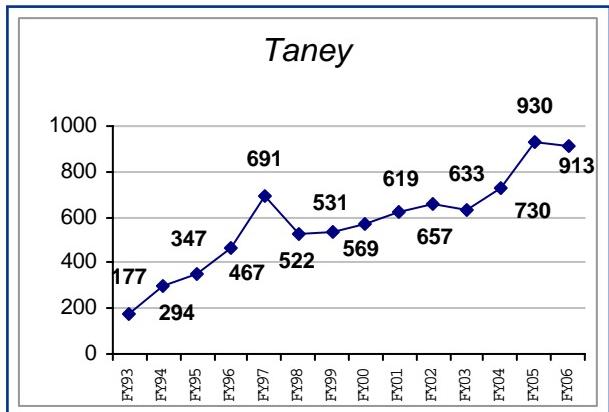
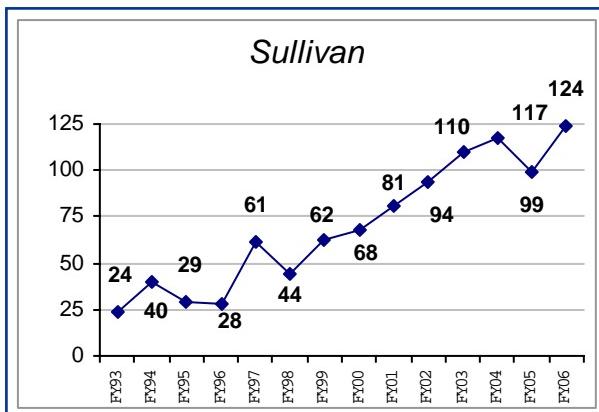
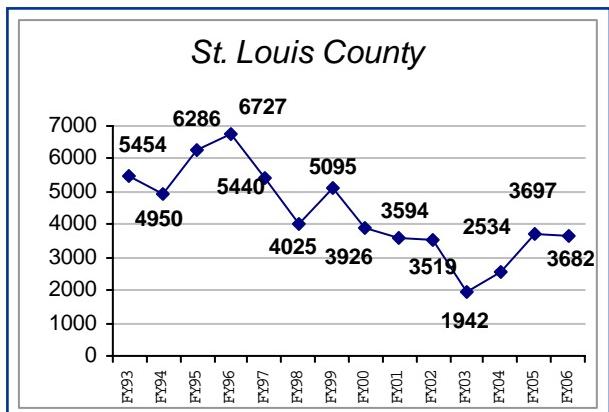
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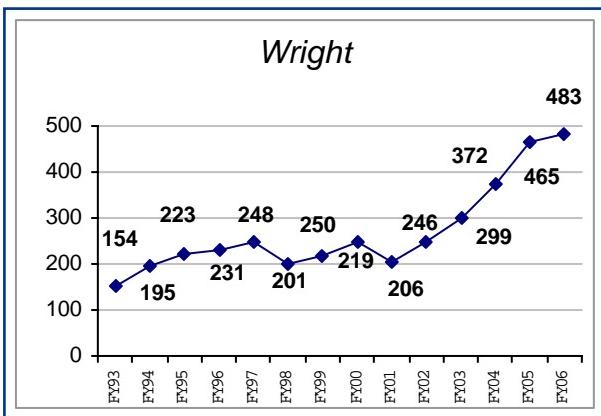
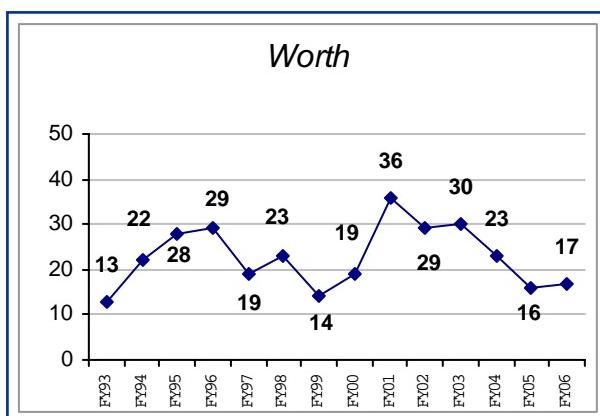
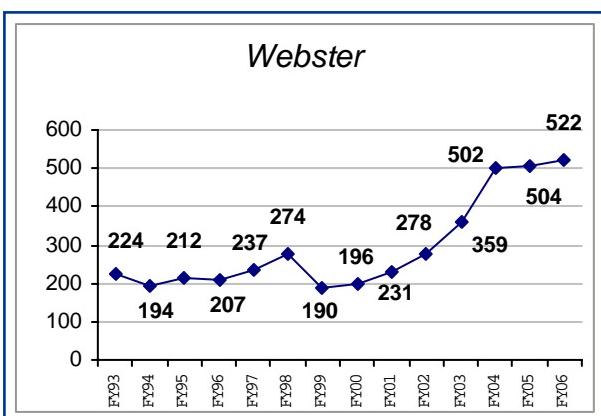
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FISCAL YEAR COMPARISON—TRIAL DIVISION CASELOAD— CLOSED CASES BY COUNTY



FISCAL YEAR COMPARISON—TRIAL DIVISION CASELOAD— CLOSED CASES BY COUNTY



**FIRST REGULAR SESSION
TRULY AGREED TO AND FINALLY PASSED**

**HOUSE BILL NO. 12
92nd GENERAL ASSEMBLY
FY2006**

| | | |
|---|-------------|--------------------|
| Section 12.400. To the Office of State Public Defender | | |
| For the purpose of funding the State Public Defender System | | |
| Personal Service | <i>0911</i> | \$22,984,589 |
| Expense and Equipment | <i>0912</i> | <u>\$3,237,191</u> |
| Subtotal | | \$26,221,780 |
| For payment of expenses as provided by Chapter 600, RSMo. associated with the defense of violent crimes and/or the defense of cases where a conflict of interest exists | | |
| Expense and Equipment | <i>8727</i> | <u>\$2,241,502</u> |
| From General Revenue Fund | | \$28,463,282 |
| For expenses authorized by the Public Defender Commission as provided by Section 600.090, RSMo. | | |
| Personal Service | <i>0951</i> | \$117,378 |
| Expense and Equipment | <i>7673</i> | <u>\$1,850,756</u> |
| From Legal Defense and Defender Fund | | \$1,968,134 |
| For refunds set-off against debts as required by Section 143.786, RSMo. | | |
| From Debt Offset Escrow Fund | <i>0753</i> | \$350,000E |
| For all grants and contributions of funds from the federal government or from any other source which may be deposited in the State Treasury for the use of the Office of the State Public Defender | | |
| From Federal Funds | <i>4006</i> | <u>\$125,000</u> |
| Total (Not to exceed 560.13 F.T.E.) | | \$30,906,416 |

Cases Closed

Cost of Cases Closed

The direct cost, on average, of all cases disposed by the State Public Defender System (including Death Penalty Representation) in Fiscal Year 2006 was \$288. The Trial Division average was \$235.69. These both compare very favorably to the last computed average under the old appointed counsel system of \$390 per case in 1981.

Fiscal Year 2006 - Trial Division Costs Per Case

| | Location | Current | Total Costs | FY06 Cases | Cost Per | FY06 Cases | Cost Per |
|----|----------------------|--------------------|--------------|------------|------------|------------|-------------|
| | | District Defender | For District | Assigned | Assignment | Disposed | Disposition |
| 1 | Juvenile | Sarah Lambright | \$298,775 | 866 | \$345.01 | 682 | \$438.09 |
| 2 | Kirksville | Kevin Locke | \$175,312 | 681 | \$257.43 | 685 | \$255.93 |
| 4 | Maryville | Jeff Stephens | \$189,256 | 531 | \$356.41 | 526 | \$359.80 |
| 5 | St. Joseph | Michelle Davidson | \$451,565 | 2,417 | \$186.83 | 2,271 | \$198.84 |
| 6 | Kansas City Juvenile | Mary Bellm | \$289,483 | 1,203 | \$240.63 | 1,208 | \$239.64 |
| 7 | Liberty | Anthony Cardarella | \$706,756 | 3,415 | \$206.96 | 3,343 | \$211.41 |
| 10 | Hannibal | Todd Schulze | \$279,257 | 1,546 | \$180.63 | 1,483 | \$188.31 |
| 11 | St. Charles | Richard Scheibe | \$390,052 | 1,710 | \$228.10 | 1,591 | \$245.16 |
| 12 | Fulton | Justin Carver | \$328,203 | 1,780 | \$184.38 | 1,666 | \$197.00 |
| 13 | Columbia | Kevin O'Brien | \$743,428 | 4,713 | \$157.74 | 4,381 | \$169.69 |
| 14 | Moberly | Ray Legg | \$335,997 | 1,556 | \$215.94 | 1,537 | \$218.61 |
| 15 | Sedalia | Kathleen Brown | \$417,941 | 2,002 | \$208.76 | 1,977 | \$211.40 |
| 16 | Kansas City | Joel Elmer | \$2,102,705 | 8,135 | \$258.48 | 7,361 | \$285.65 |
| 17 | Harrisonville | Jeffery Martin | \$579,098 | 2,656 | \$218.03 | 2,538 | \$228.17 |
| 19 | Jefferson City | Jan King | \$264,245 | 1,214 | \$217.66 | 1,129 | \$234.05 |
| 20 | Union | Lisa Preddy | \$384,580 | 1,479 | \$260.03 | 1,432 | \$268.56 |
| 21 | St. Louis County | Nanci McCarthy | \$1,094,755 | 3,968 | \$275.90 | 3,684 | \$297.16 |
| 22 | St. Louis City | Eric Affolter | \$1,719,956 | 6,924 | \$248.40 | 6,203 | \$277.28 |
| 23 | Hillsboro | Tony Manansala | \$393,458 | 1,915 | \$205.46 | 1,828 | \$215.24 |
| 24 | Farmington | Wayne Williams | \$555,181 | 2,275 | \$244.04 | 2,202 | \$252.13 |
| 25 | Rolla | Jahnel Lewis | \$622,865 | 3,926 | \$158.65 | 3,564 | \$174.77 |
| 26 | Lebanon | James Wilson | \$549,760 | 2,844 | \$193.31 | 2,733 | \$201.16 |
| 28 | Nevada | Joe Zuzal | \$280,657 | 1,213 | \$231.37 | 1,236 | \$227.07 |
| 29 | Joplin | Darren Wallace | \$1,055,878 | 4,166 | \$253.45 | 4,137 | \$255.23 |
| 30 | Buffalo | Dewayne Perry | \$371,239 | 1,903 | \$195.08 | 1,772 | \$209.50 |
| 31 | Springfield | Rodney Hackathorn | \$943,513 | 5,561 | \$169.67 | 4,994 | \$188.93 |
| 32 | Jackson | Christopher Davis | \$693,635 | 2,863 | \$242.28 | 2,581 | \$268.75 |
| 34 | Caruthersville | Amy Skrien | \$288,651 | 1,112 | \$259.58 | 1,058 | \$272.83 |
| 35 | Kennett | Catherine Rice | \$321,204 | 1,693 | \$189.72 | 1,637 | \$196.22 |
| 36 | Poplar Bluff | Jerry Montgomery | \$309,611 | 1,871 | \$165.48 | 1,857 | \$166.73 |
| 37 | West Plains | Donna Anthony | \$262,928 | 1,152 | \$228.24 | 1,008 | \$260.84 |
| 39 | Monett | Victor Head | \$638,300 | 2,215 | \$288.17 | 2,051 | \$311.21 |
| 43 | Chillicothe | David Miller | \$585,260 | 2,590 | \$225.97 | 2,533 | \$231.05 |
| 44 | Ava | Linda McKinney | \$214,216 | 865 | \$247.65 | 856 | \$250.25 |
| 45 | Troy | Thomas Gabel | \$267,363 | 1,366 | \$195.73 | 1,317 | \$203.01 |

| Fiscal Year 2006 - Commitment Defense Unit Costs Per Case | | | | | | | |
|---|-------------------------|------------------------------|-----------------------------|------------------------|------------------------|------------------------|-------------------------|
| | Location | Current District Defender | Total Costs For District | FY06 Cases Assigned | Cost Per Assignment | FY05 Cases Disposed | Cost Per Disposition |
| 71 | Commitment Defense Unit | Tim Burdick | \$403,087 | 38 | \$10,607.55 | 19 | \$21,215.10 |

| Fiscal Year 2006 - Appellate Division Costs Per Case | | | | | | | |
|--|-------------------------|------------------------------|-----------------------------|------------------------|------------------------|------------------------|-------------------------|
| | Location | Current District Defender | Total Costs For District | FY06 Cases Assigned | Cost Per Assignment | FY06 Cases Disposed | Cost Per Disposition |
| 50 | Columbia Appellate | Ellen Flottman | \$687,390 | 327 | \$2,102.11 | 286 | \$2,403.46 |
| 51 | St. Louis Appellate | Scott Thompson | \$484,440 | 253 | \$1,914.78 | 253 | \$1,914.78 |
| 52 | Kansas City Appellate | Susan Hogan | \$322,540 | 137 | \$2,354.31 | 166 | \$1,943.01 |
| 67 | Appellate/PCR Central A | Steve Harris | \$588,645 | 331 | \$1,778.38 | 354 | \$1,662.84 |
| 68 | Appellate/PCR Eastern B | Renee Robinson | \$354,264 | 268 | \$1,321.88 | 258 | \$1,373.11 |
| 69 | Appellate/PCR Western B | Ruth Sanders | \$198,479 | 143 | \$1,387.97 | 147 | \$1,350.20 |

| Fiscal Year 2006 - Capital Division Costs Per Case | | | | | | | |
|--|---------------------|------------------------------|-----------------------------|------------------------|------------------------|------------------------|-------------------------|
| | Location | Current District Defender | Total Costs For District | FY06 Cases Assigned | Cost Per Assignment | FY06 Cases Disposed | Cost Per Disposition |
| 53 | Columbia Capital | Jan Zembles | \$675,676 | 6 | \$112,613 | 1 | \$675,676 |
| 54 | St. Louis Capital | Robert Wolfrum | \$1,048,058 | 11 | \$95,278 | 8 | \$131,007 |
| 55 | Kansas City Capital | Thomas Jacquinot | \$521,607 | 5 | \$104,321 | 5 | \$104,321 |

Case Activity

In addition to the number of cases, the disposition of those cases once in the court system has a dramatic impact on the workload of Missouri's Public Defenders. Although the smallest in number, cases going to trial place the highest demand on an attorney's time. Several hours of pretrial preparation, hearings and motions are required for each hour actually spent in trial. Many cases do not require a trial for disposition but are disposed of only after a court hearing before the judge. These cases can include juvenile hearings, probation revocation hearings and preliminary and motion hearings which also require considerable research and preparation before the actual court appearance.

Other dispositions, such as guilty pleas, dismissals and withdrawals, also place a crushing time burden on Missouri's Public Defenders. Some individual cases may require very little attorney time before the case is disposed of by plea or other disposition, while others require considerable preparation, investigation and negotiation before the case can be disposed of by plea or dismissal. In either event, the sheer volume of cases places an extreme demand on the time of Missouri Public Defenders and support staff.

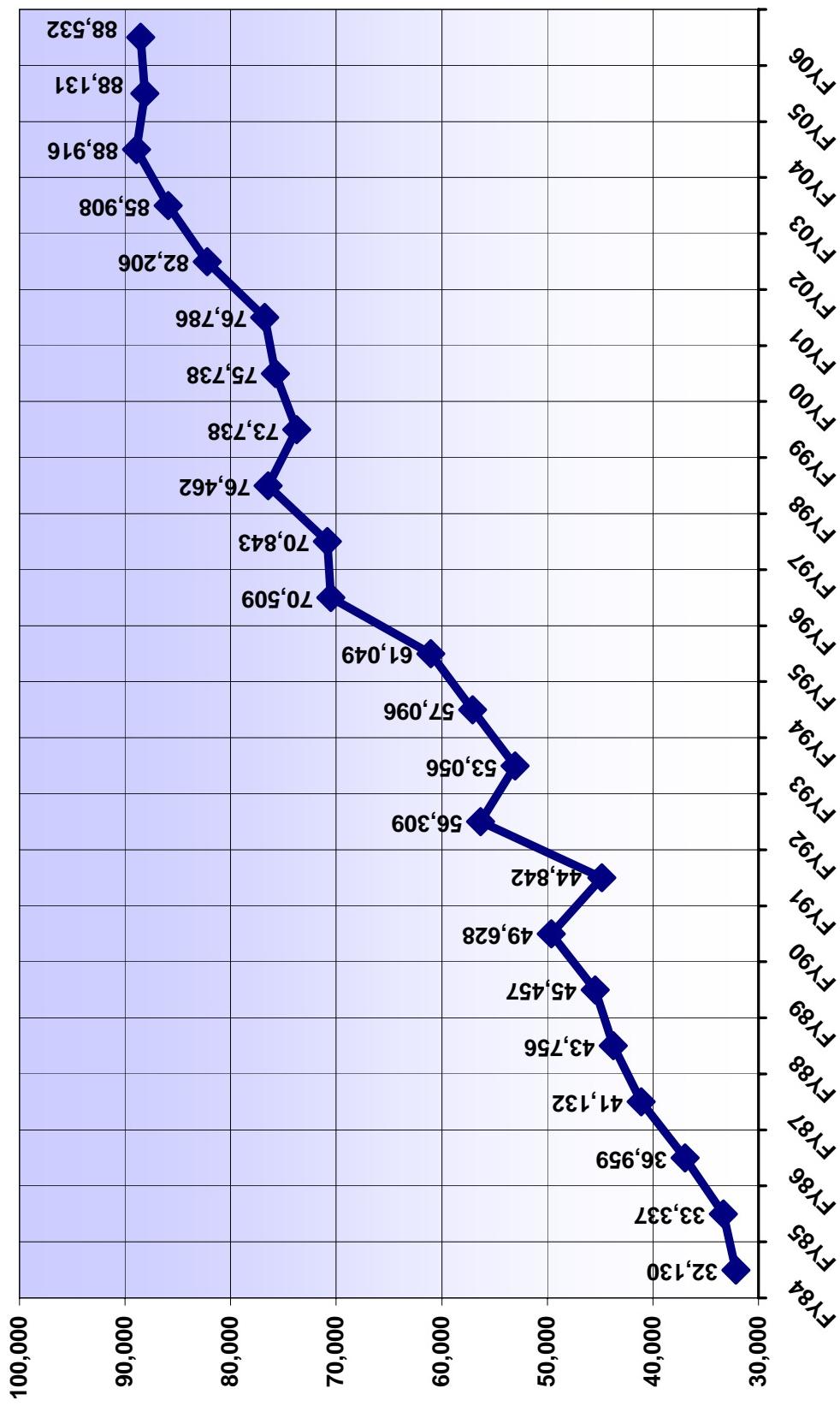
| FY2006 - Trial Division Closed Cases by Disposition Type | | |
|---|-----------------------------------|------------|
| | Description | # of Cases |
| 01 | Withdrawn | 6,391 |
| 60 | Missouri Bar Volunteer Program | 250 |
| 02 | Dismissed/Withdrawn | 11,801 |
| 03 | NGRI | 22 |
| 04 | Guilty Plea | 39,320 |
| 05 | Court Trial | 415 |
| 06 | Jury Trial | 396 |
| 10 | Juvenile Hearing | 1,006 |
| 11 | Certification Hearing | 66 |
| 12 | Juvenile Informal Hearing | 265 |
| 15 | PCR No Hearing | 2 |
| 20 | Chapter 552 | 26 |
| 25 | Probation Violation Hearing | 16,189 |
| 30 | Preliminary Writ Granted | 5 |
| 32 | Preliminary Writ Denied | 4 |
| 35 | Appeal Decision | 5 |
| 41 | Conflict Transfer | 2,853 |
| 42 | Conflict Assignment | 594 |
| 50 | Capias Warrant > than 1 year | 1,100 |
| 00 | Unknown | <u>350</u> |
| | Total Trial Division Closed Cases | 81,060 |

Missouri State Public Defender System

Cases Assigned by Case Type

| | Murder 1st | Other Homicide | Felony | Misdemeanor | Juvenile | PCR | Other | Appeals | Total Opened | Total Closed | Closed to Open Ratio |
|-----------------|------------|----------------|--------|-------------|----------|-------|-------|---------|--------------|--------------|----------------------|
| FY08 PROJECTION | 139 | 169 | 38,376 | 38,684 | 31,681 | 3,777 | 934 | 41 | 23,284 | 761 | 99,162 |
| FY07 PROJECTION | 139 | 157 | 36,826 | 37,122 | 29,904 | 3,726 | 884 | 43 | 21,260 | 735 | 93,674 |
| FY06 ACTUAL | 138 | 146 | 35,339 | 35,623 | 28,227 | 3,676 | 838 | 46 | 19,412 | 710 | 88,532 |
| FY05 ACTUAL | 156 | 124 | 33,282 | 33,562 | 28,931 | 3,881 | 937 | 120 | 20,012 | 688 | 88,131 |
| FY04 ACTUAL | 154 | 140 | 34,422 | 34,716 | 28,018 | 4,258 | 807 | 98 | 20,263 | 756 | 88,916 |
| FY03 ACTUAL | 195 | 114 | 35,425 | 35,734 | 25,807 | 4,147 | 806 | 103 | 18,479 | 832 | 85,908 |
| FY02 ACTUAL | 163 | 132 | 33,183 | 33,478 | 25,147 | 3,918 | 802 | 64 | 18,047 | 750 | 82,206 |
| FY01 ACTUAL | 182 | 125 | 29,934 | 30,241 | 22,903 | 4,488 | 711 | 82 | 17,663 | 698 | 76,786 |
| FY00 ACTUAL | 147 | 109 | 28,019 | 28,275 | 24,119 | 4,998 | 763 | 76 | 16,768 | 739 | 75,738 |
| FY99 ACTUAL | 182 | 108 | 28,892 | 29,182 | 23,721 | 4,629 | 797 | 112 | 14,488 | 809 | 73,738 |
| FY98 ACTUAL | 196 | 87 | 31,591 | 31,874 | 24,676 | 4,270 | 674 | 138 | 14,141 | 689 | 76,462 |
| FY97 ACTUAL | 169 | 79 | 29,663 | 29,911 | 21,912 | 4,075 | 513 | 156 | 13,437 | 839 | 70,843 |
| FY96 ACTUAL | 175 | 88 | 30,198 | 30,461 | 23,069 | 3,612 | 707 | 178 | 11,444 | 1,038 | 70,509 |
| FY95 ACTUAL | 256 | 109 | 27,688 | 28,053 | 17,696 | 3,916 | 719 | 165 | 9,362 | 1,138 | 61,049 |
| FY94 ACTUAL | 255 | 152 | 25,338 | 25,745 | 17,852 | 3,374 | 682 | 201 | 8,225 | 1,017 | 57,096 |
| FY93 ACTUAL | 301 | 136 | 24,402 | 24,839 | 15,883 | 3,146 | 766 | 249 | 7,301 | 872 | 53,056 |
| FY92 ACTUAL | 282 | 37 | 25,458 | 25,777 | 19,974 | 3,372 | 1,129 | 167 | 5,321 | 569 | 56,309 |
| FY91 ACTUAL | 193 | 63 | 21,304 | 21,560 | 13,941 | 2,713 | 588 | 169 | 5,051 | 820 | 44,842 |
| FY90 ACTUAL | 227 | 109 | 23,336 | 23,672 | 14,627 | 3,300 | 732 | 369 | 5,834 | 1,094 | 49,628 |
| FY89 ACTUAL | 193 | 149 | 20,838 | 21,180 | 12,902 | 3,298 | 1,342 | 418 | 5,074 | 1,243 | 45,457 |
| FY88 ACTUAL | 202 | 161 | 20,640 | 21,003 | 12,427 | 3,455 | 1,006 | 470 | 4,475 | 920 | 43,756 |
| FY87 ACTUAL | 199 | 145 | 19,254 | 19,598 | 11,736 | 3,564 | 755 | 443 | 4,308 | 728 | 41,132 |
| FY86 ACTUAL | 166 | 175 | 17,042 | 17,383 | 10,602 | 3,328 | 612 | 611 | 3,815 | 608 | 36,959 |
| FY85 ACTUAL | 152 | 172 | 15,397 | 15,721 | 9,126 | 3,500 | 543 | 522 | 3,293 | 632 | 33,337 |
| FY84 ACTUAL | 176 | 175 | 15,048 | 15,399 | 9,256 | 3,058 | 534 | 499 | 2,878 | 506 | 32,130 |

Public Defender Caseload Analysis



Commitment Defense Representation

The Missouri State Public Defender Commitment Defense Unit represents poor people against whom the state has instituted civil commitment proceedings under Missouri's Sexually Violent Predator law. This law enables the state to indefinitely detain people who have no new conviction and who have completed their prison sentences on certain types of sex offenses.

The Commitment Defense cases require experienced attorneys familiar with complex litigation and the use of expert witnesses. In addition to extensive knowledge of criminal law, these cases also require our attorneys to have extensive knowledge of civil law and litigation. Courts have interpreted many of these civil commitment proceeding to be civil rather than criminal, but we are statutorily required to represent these clients.

| FY 2006 Commitment Defense Unit Caseload Statistics | |
|---|------------|
| | # of Cases |
| Opened in FY 2006 | 38 |
| Closed in FY 2006* | 18 |
| Jury Trials | 9 |
| Bench Trials | 1 |
| Release Petitions Delayed | 4 |
| Stipulations w/ Preservation of Legal Issues | 2 |
| Dismissals | 2 |
| *Closed Cases are only temporary since any one committed has hearing and possibly trial right again in a year | |

Alternative Sentencing Program

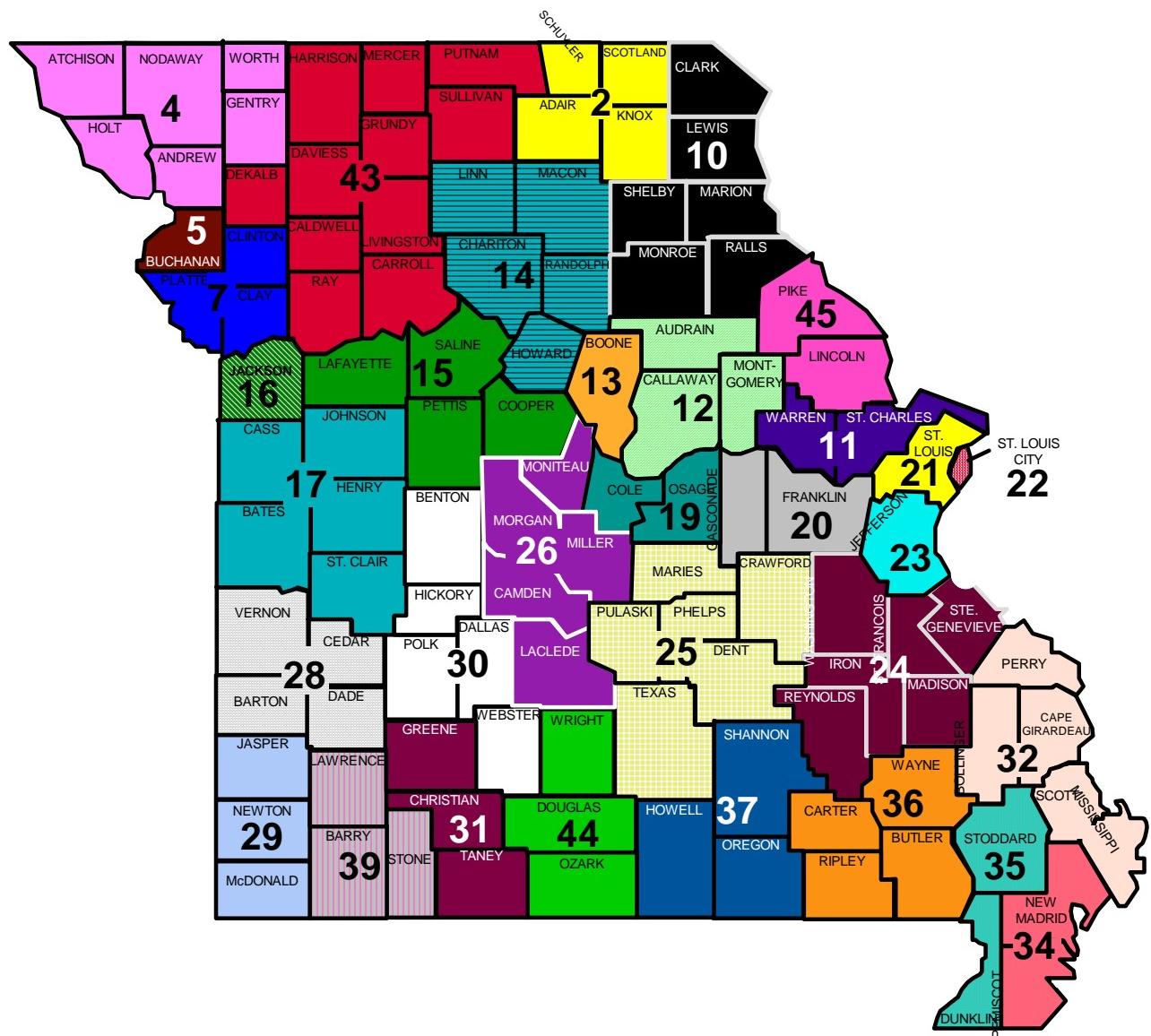
The primary objective of the Public Defender Alternative Sentencing Program is to reduce the inappropriate incarceration of individuals in Missouri's over-crowded prisons. Creative sentencing, for inmates who would not be a threat to society, often results in a community punishment rather than joining the ranks of the rising prison population. These plans incorporate such elements as supervision, employment, community services, mental and medical treatment components and payments of restitution. Alternatives to incarceration are found to produce lower recidivist rates resulting in significant cost savings for the state.

The Alternative Sentencing assisted in 256 cases where probation was granted.

| FY2006 ALTERNATIVE SENTENCING Caseload Statistics | |
|---|------------|
| Case Type | # of Cases |
| A- Felony | 94 |
| B—Felony | 134 |
| C—Felony | 376 |
| D—Felony | 106 |
| Misdemeanor | 53 |
| Unclassified Sex Offense | 45 |
| Juvenile | 9 |
| Total FY2006 Alternative Sentencing | 817 |

| FY2006 ALTERNATIVE SENTENCING Plans and Referrals | |
|---|------------|
| Description | # of Cases |
| Sentencing with Full Alternative Sentencing Plan or Mitigation Report | 390 |
| Referrals - Treatment Placements | 388 |
| Psychiatric Triage | 39 |
| Total FY2006 Alternative Sentencing Caseload | 817 |

Missouri State Public Defender Trial Division District Map



Fiscal Year 2008 Legislative Budget Request

Caseload Crisis

This decision item will only provide funding at the FY2006 caseload level and does not include any request for projections of the FY2008 caseload. Straight-line projection over the last 20+ years would indicate a probable caseload growth to over 99,000 cases. However, over the last two years, caseload growth has been slower. Therefore, for the purpose of this budget request, we are asking only for what is absolutely essential to handle cases we already have.

In December of 2000, the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance, published the "*Compendium of Standards for Indigent Defense Systems*". *The Compendium* brings together standards from a wide variety of sources. It shows the different ways in which practice and procedures are addressed. It also addresses: administration of defense systems, attorney performance, capital case representation, appellate services, and juvenile justice defense. Also included in this compendium is the Department of Justice's National Advisory Commission on Criminal Justice Standards and Goals report setting out the maximum recommended caseloads for public defenders.

NAC Standard 13.12. Workload of Public Defenders

The caseload of a public defender office should not exceed the following:

Caseload of attorneys per year:
Felonies—Not more than 150
Misdemeanors—Not more than 400
Juvenile Cases—not more than 200
Mental Health Cases— not more than 200;
Appeals per attorney per year: not more than 25.

Consultation with Senate Leadership and members of the Senate Interim Committee on the Public Defender, resulted in the recommendation that MSPD simply utilize the already-existing national caseload standard rather than expend additional state funds to conduct its own study. In accordance with that recommendation, MSPD has utilized herein the public defender caseload standard developed by the Department of Justice's National Advisory Commission on Criminal Justice Standards and Goals. This standard has served as the basis for most other state public defender caseload caps [See the *Compendium of Standards for Indigent Defense Systems*] and was cited by the ABA in its July, 2006 ethical advisory opinion as a guide for public defenders in determining the point at which they are ethically and professionally obligated to refuse additional cases due to case overload.

TRIAL DIVISION

The actual number of new cases assigned to the State Public Defender's Trial Division was 86,368 in Fiscal Year 2006. Using the NAC standards shown above the required number of trial division attorneys to effectively provide representation is 394. The trial division currently has 292 attorney FTE allocated. Therefore, this decision item requests the 102 additional attorneys to staff the trial division at the NAC recommended staffing levels.

These calculations presume no reduction in MSPD caseload. If the legislature should decide to adopt some of the ideas now being explored by the Senate Interim Committee concerning reclassifying traffic or largely collections type cases as infractions to eliminate the constitutional requirement of counsel or if the legislature should decide to move to a system where all misdemeanor cases are handled by private attorney appointments, these numbers would go down accordingly.

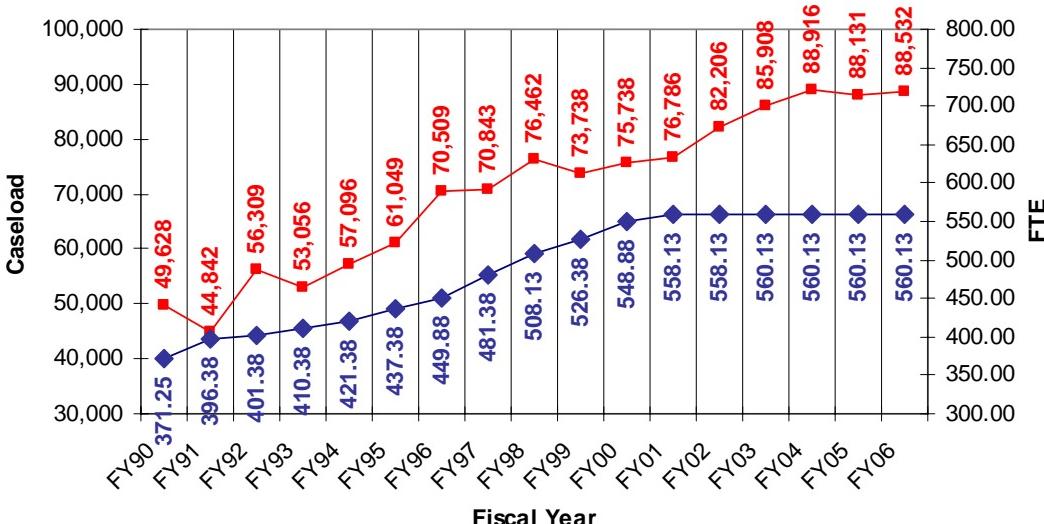
| NAC/ABA Standard to FY2006 Trial Division Caseload | | | | | |
|--|--|--------------|------------------|---------------------|-----|
| Type Code | Description | Cases Opened | NAC/ABA Standard | Number of Attorneys | |
| 15 | Homicide - Non Capital | 250 | 12 | 21 | |
| 62 | Sexually Violent Predator* | 38 | 10 | 4 | |
| 30 | Felonies | 34,902 | 150 | 233 | |
| 40 | Misdemeanor | 17,855 | 400 | 45 | |
| | Traffic ** | 10,316 | 400 | 26 | |
| 50 | Juvenile | 3,642 | 200 | 18 | |
| 65 | Probation Violation | 19,365 | 400 | 48 | |
| | | 86,368 | | | 394 |
| | FY2007 - Public Defender Trial Division Attorneys | | | | 292 |
| | Number of Additional Attorneys Required to meet Standard | | | | 102 |
| | | | | | |

*Sexually Violent Predator caseloads have not been evaluated by the NAC/ABA.

The standard was developed internally by MSPD, based upon the complexity of the litigation involved.

** "Traffic" and "Misdemeanor" cases are both case types 40. For the purposes of this analysis, traffic cases were separated using charge codes.

Missouri State Public Defender System Caseload Growth Vs. FTE Growth



This decision item is one method of appropriately staffing and funding the Public Defender System. Another alternative and a separate decision item was developed utilizing additional support staff. The two decision items are mutually exclusive but could be combined and re-configured.

Personal Service

| | |
|---|--------------------|
| 102.00 Assistant Public Defender III at Range 30 - \$46,284 per year | \$4,720,968 |
| 34.00 Paralegal/Investigator (1 to every 3 attorneys) at Range 18 \$26,964 per year | \$916,776 |
| 20.50 Clerk III (1 to every 5 attorneys) at Range 12 \$22,428 per year | <u>\$459,774</u> |
| Total Personal Service | \$6,097,518 |

Expense & Equipment

One-time Purchases

| | |
|---|------------------|
| Attorneys 102 * \$4,750 | \$484,500 |
| Paralegal/Investigator Package 34 * \$4,865 | \$165,410 |
| Secretaries 21 * \$10,700 | <u>\$224,700</u> |
| Total One-Time Purchases | \$874,610 |

On-Going Costs

| | |
|---|--------------------|
| Attorneys 102 * \$9,600 | \$979,200 |
| Paralegal/Investigators 34 * \$9,275 | \$315,350 |
| Secretaries 20.50 * \$4,050 | <u>\$83,025</u> |
| Total Personnel Related On-Going Costs | \$1,377,575 |

Total Expense and Equipment

\$2,252,185

Total Decision Item Request

\$8,349,703

Appellate Division

The actual number of new cases assigned to the State Public Defender's Appellate Division was 1,459 in Fiscal Year 2006. Using the NAC standards shown above the required number of appellate division attorneys to effectively provide representation is 42. The appellate division currently has 36.50 attorney FTE allocated. Therefore, this decision item requests the 5.75 additional attorneys to staff the appellate division at the NAC recommended levels.

| NAC/ABA Standard to FY2006 Appellate Division Caseload | | | | |
|---|--|--------------|------------------|---------------------|
| | Description | Cases Opened | NAC/ABA Standard | Number of Attorneys |
| | Death Penalty PCR | 4 | 6 | 1 |
| | Felony Appeals | 370 | 25 | 15 |
| | PCR Appeals | 332 | 25 | 13 |
| | PCR 24.035 | 500 | 150 | 3 |
| | PCR 29.15 | 222 | 25 | 9 |
| | Other | 31 | 25 | 1 |
| | | 1,459 | | |
| | | | | 42.20 |
| | FY2007 - Public Defender Trial Division Attorneys | | | 36.50 |
| | Number of Additional Attorneys Required to meet Standard | | | 5.70 |

Personal Service

| | |
|--|-----------------|
| 5.75 Assistant Public Defender III at Range 30 - \$46,284 per year | \$266,133 |
| 2.00 Paralegal/Investigator at Range 18 - \$26,964 per year | \$53,928 |
| 1.00 Clerk III at Range 12 - \$22,428 per year | <u>\$22,428</u> |
| Total Personal Service | \$342,489 |

Expense & Equipment

One-time Purchases

| | |
|--|-----------------|
| Attorneys 6 * \$4,750 | \$28,500 |
| Paralegal/Investigator Package 2 * \$4,865 | \$9,730 |
| Secretaries 1 * \$10,700 | <u>\$10,700</u> |
| Total One-Time Purchases | \$48,930 |

On-Going Costs

| | |
|--|----------------|
| Attorneys 5.75 * \$9,600 | \$55,200 |
| Paralegal/Investigators 2.00 * \$9,275 | \$18,550 |
| Secretaries 4.50 * \$4,050 | <u>\$4,050</u> |
| Total Personnel Related On-Going Costs | \$77,800 |

Total Expense and Equipment

\$126,730

Total Decision Item Request

\$469,219

Pilot Program—Pay for Performance—(Attorneys Only)

The FY07 critical class repositioning of attorney positions was a necessary step toward addressing the low pay of assistant public defenders. It still isn't enough. Additional progress must be made in order for the Missouri State Public Defender System to compete with other public and private employers seeking Missouri licensed attorneys.

MSPD is able to provide its attorneys with challenging, rewarding work. These attorneys need an income that will allow them to provide for their families and pay off student loans. The State of Missouri must continue to address the pay inequities of assistant public defender salaries. This will enhance our ability to retain a talented, trained attorney staff.

Efforts to implement a performance-based component of the pay plan are strongly supported by MSPD. Within-grade salary advancements based on employee performance will provide an opportunity to recognize exceptional performance. Under our Employee Performance Planning and Appraisal System, a five-level rating scale is defined for evaluating performance. The rating categories include: outstanding, highly successful, successful, improvement expected, and unsatisfactory. A successful employee is defined as a good performer, performing on a level expected of a trained, experienced, successful employee. Highly successful defines very good performance that exceeds expectations, but not to the extent that it would be considered rare or unusual. Outstanding performance far exceeds expectations. It represents a level of performance that is rare and unusual.

It is estimated that the following percentages would represent the Public Defender attorney workforce.

| Overall Rating | Overall Rating of: Unsatisfactory | Successful | Highly Successful | Outstanding Performance |
|------------------------|--------------------------------------|------------|-------------------|-------------------------|
| % of Workforce | 15% | 50% | 20% | 15% |
| Performance Adjustment | 0% | 2% | 3% | 4% |

Pay for performance provide salary increases within an employee's assigned range. Pay for performance will assist in reducing the bottleneck at the beginning of each range. As an employee's work is evaluated, they can move up steps within their range based on their overall evaluation rating. This is not a substitute for repositioning, but rather should work with repositioning to assure fair and equitable salaries.

While recognizing that there will always be and should always be a certain amount of attorney turnover, there has to be a core group of career experienced public defenders, to train and mentor new attorneys and to provide representation in the most complex cases. In recognition of this need, we propose a new level of Assistant Public Defenders, APD V, restricted to a small percentage of outstanding performers.

Pay for Performance - Attorneys

Pay for Performance - Senior Attorneys

Pay for Performance - Senior Attorneys

Retention Crisis - Assistant Public Defenders I, II and III

Attorney Salary Increases—Over the last six years, MSPD has experienced the equivalent of 116.3% turnover in its attorney staff, averaging a 19.38% turnover each year. In FY2007, re-positioning adjustments increases were given to MSPD attorneys to try to stem the flow, but the problem is far from solved. Staggering student debt makes it impossible for even those called to public interest work to work for MSPD, make their loan payments, and provide for themselves and their families. Many MSPD attorneys hold second jobs—delivering pizzas, working in retail, bartending, truck driving, etc.—trying to make ends meet. This reality makes it very hard to hold a group of employees who can walk into the private sector and make twice their MSPD salary.

The inability of the State Public Defender to recruit and retain attorneys compromises the quality of justice and efficiency of Missouri's criminal justice system.

The current attorney turnover rate is 18.03%. In addition to being unable to hire new graduates, experienced assistant public defenders at all levels are leaving the Department for the private sector and other better paying government attorney jobs, including jobs in prosecuting attorney offices.

Exit and employment interviews repeatedly reveal low pay and high caseloads as the reasons candidates do not choose to be employed, or remain employed, by the State Public Defender.

These vacancies are slowing the judicial process and reducing the disposition rate of cases. The State Public Defender continues to be able to dispose of less cases than those assigned. The FY06 cumulative backlog of more 28,168 cases is directly attributed to a shortage of experienced attorneys to handle them.

While it is still too early to tell, we are hopeful that the attorney repositioning adjustments funded in Fiscal Year 2007 will help decrease turnover. The adjustments made were critical to reducing the rate of turnover, but they were only the first step in solving a problem that has taken years to reach its current level.

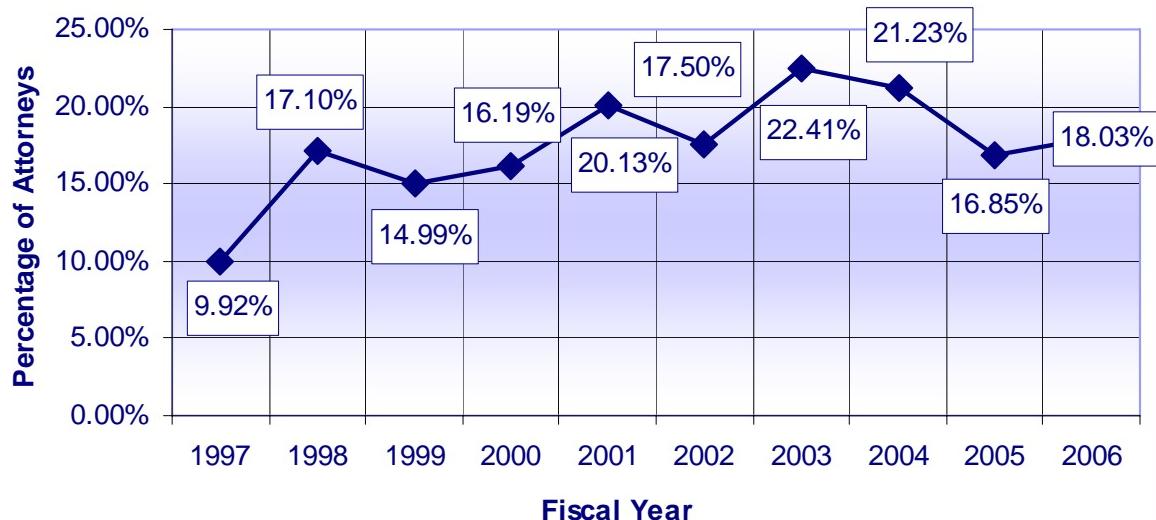
To address the retention crisis, we are submitting alternative decision items, this one and a pilot pay for performance program designed to reward and retain a cadre of career public defenders.

This decision item will increase assistant public defender salaries at the entry levels. As recruitment and retention of attorneys improves, vacancies will be reduced. The more experienced assistant public defenders will handle more cases, thereby reducing the backlog of cases and speed the administration of criminal justice.

Public Defender Caseload Assigned vs. Disposed

| <i>Fiscal Year</i> | <i>Assigned</i> | <i>Disposed</i> | <i>Net Difference</i> |
|--------------------|-----------------|-----------------|-----------------------|
| 2000 | 75,738 | 69,591 | 6,147 |
| 2001 | 76,786 | 73,438 | 3,348 |
| 2002 | 82,206 | 77,165 | 5,041 |
| 2003 | 85,908 | 81,059 | 4,849 |
| 2004 | 88,916 | 86,356 | 2,560 |
| 2005 | 88,131 | 87,180 | 951 |
| 2006 | 88,532 | 83,260 | 5,272 |
| | 586,217 | 558,049 | 28,168 |

Attorneys Leaving Public Defender System



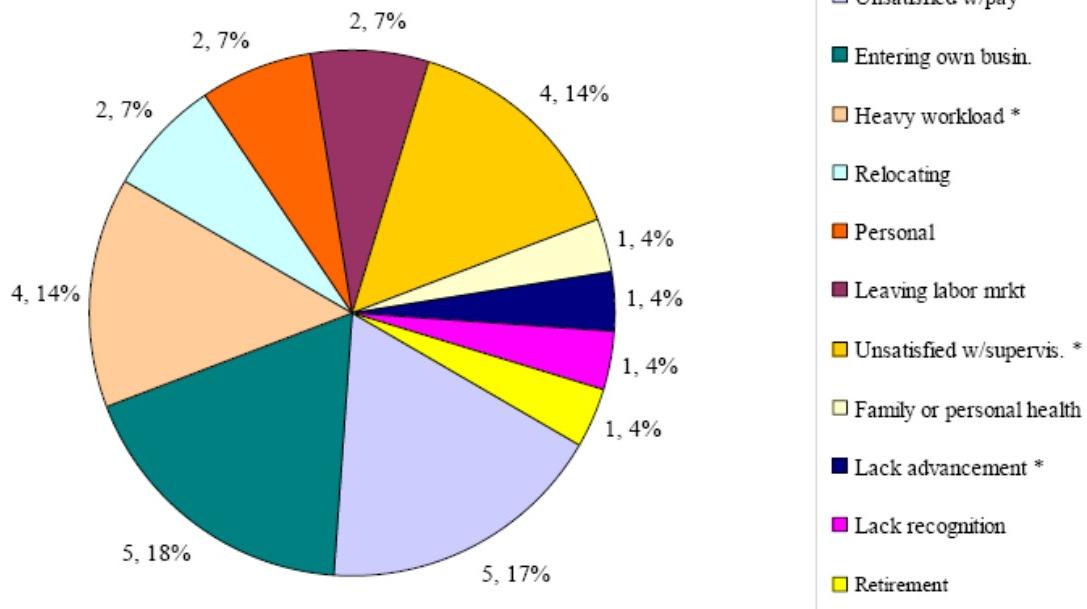
Cost of Attorney Turnover

| Class Code | Description | FY06 Salary Paid | Cost of Turnover |
|------------|----------------------------|------------------|------------------|
| 0400 | Assistant Public Defenders | \$13,413,058 | \$3,353,265 |
| 0460 | District Defenders | \$2,710,418 | \$677,605 |
| | | | \$4,030,869 |

*Per the Personnel Advisory Board
Turnover Costs 25% of the Salary of the Positions

Attorney: Primary reason for leaving

Exit Interview Tracking: February 2005-present



* Approximately 49% of Attorneys leaving the Missouri State Public Defender System do so for reasons related to workload and salary.

In March 2006 at the Request of Senator Chuck Gross, the Personnel Advisory Board reviewed the salaries of the Missouri State Public Defender's Assistant Public Defenders. Included in the report was a comparison of these salaries with similar Public Defender salaries in other states. The salaries of Missouri's Public Defender's have been updated to reflect the Fiscal Year 2007 salary increases.

Assistant Public Defenders I, II, and III

| Job Title | # of FTE | FY07 Salary | Proposed Salary | Annual Increase | Cost of Adjustment |
|-------------------------------|----------|-------------|-----------------|-----------------|--------------------|
| Assistant Public Defender I | 32.00 | \$35,148 | \$38,400 | \$3,252 | \$104,064 |
| Assistant Public Defender II | 98.00 | \$41,688 | \$48,920 | \$7,232 | \$708,736 |
| Assistant Public Defender III | 72.00 | \$46,284 | \$53,717 | \$7,433 | \$535,176 |
| | 202.00 | | | | \$1,347,976 |

Attorney Salary Increases - Assistant Public Defenders IV's

The most experienced assistant public defenders, APD IVs, handle more and the most serious and complex cases. While not as great as the turnover in the middle and entry level assistant public defenders, the turnover rate is still unacceptable.

These are the lawyers who not only handle the most complex cases with the greatest consequences, they are also the mentors and trainers for the revolving door of new hires that join MSPD. The retention of experienced attorneys to fill that critical role will have a direct impact on the turnover rate of those less-experienced attorneys, many of whom cited the lack of mentoring or adequate supervision by experienced attorneys as they found themselves assigned to more and more complex matters as a key reason in their decision to leave state service.

In FY06, approximately 10% of all assistant public defender IVs left the Department. Just as these lawyers attain the experience and training the State Public Defender has to offer, they move on to private practice. Because these experienced, well-trained attorneys handle more and more serious cases, it is more efficient and cost effective to retain them.

While 100 percent retention is unlikely, moving these attorneys closer to their counterparts in other states will reduce the unacceptable loss rate.

This adjustment will also recognize the vital role Missouri's APD IVs play in Missouri's criminal justice system. Although they average over seven years of criminal law experience and handle nearly all Missouri's most difficult and complex cases, current APD IV salaries do not even match the average entry level salary of new Missouri lawyers in the private sector.

RECRUITMENT & RETENTION Assistant Public Defender IV'S

| Job Title | # of FTE | FY07 Salary | Proposed Salary | Annual Increase | Cost of Adjustment |
|------------------------------|----------|-------------|-----------------|-----------------|--------------------|
| Assistant Public Defender IV | 96.50 | \$60,991 | \$64,096 | \$3,105 | \$299,633 |
| | 96.50 | | | | \$299,633 |

Attorney Salary Increases - District Defenders

Pursuant to RSMo. 600.021.2, Public Defenders “*shall not otherwise engage in the practice of law*”. Neither Chapter 600 nor Public Defender Commission rule allows public defenders to maintain a private law practice.

In contrast, many prosecuting attorneys are allowed a private, civil practice, pursuant to RSMo. 56.360. (A private law practice is not allowed for full-time prosecutors, such as when the position is made full-time pursuant to RSMo. 56.363.)

A full-time prosecutor is responsible for the prosecution and overall supervision of the prosecutor’s office staff in their respective county. The full-time prosecutor’s equivalent, the District Defender, is responsible for indigent defense services, and overall supervision of the office staff for the district; usually a multi-county jurisdiction.

Prosecuting attorneys are compensated in accordance with RSMo. 56.265. Pursuant to RSMo. 56.265.1(1), a full-time prosecutor “*shall receive compensation equal to the compensation of an associate circuit judge*”. Each 1st class county has a full-time prosecutor. More and more third and fourth class counties are electing to have full-time prosecutors.

The compensation of persons appointed District Defenders is fixed by the State Public Defender Commission, in accordance with RSMo. 600.021.3. However, the Commission has not been funded to bring District Defender salaries in line with their full-time prosecution counterparts.

This decision item will fund District Defender salaries, making them equal to that of a full-time prosecutor.

Assistant District Defender & District Defender Recruitment and Retention

| Assistant District Defender & District Defender | | | | | |
|---|----------|-------------|-----------------|-----------------|--------------------|
| Job Title | # of FTE | FY07 Salary | Proposed Salary | Annual Increase | Cost of Adjustment |
| Assistant District Defender | 5.00 | \$65,743 | \$80,000 | \$14,257 | \$71,285 |
| District Defender | 46.00 | \$67,548 | \$96,000 | \$28,452 | \$1,308,792 |
| | 51.00 | | | | \$1,380,077 |

Caseload Increase—Trial Division—

Legal Assistant, Alternative Sentencing Specialists Alternative

In Fiscal Year 1990, Governor Ashcroft, with the assistance of the State Public Defender Commission, developed a plan to fund a statewide public defender system. The plan provided for public defender offices in all areas of the state to effectively service the indigent accused.

Since 1990, the caseload of the trial division of the public defender system has grown rapidly due to a number of reasons: legislation enacting new crimes and increased penalties on existing crimes, aggressive prosecution, the number of counties moving to full time prosecutors, drug cases, etc.

There is a decision item pending to fund the required 102 attorneys necessary to provide effective representation to existing caseload. This decision item would provide an alternative to hiring some of the 102 attorneys.

Many cases are administrative matters that can be worked up and partially handled by supervised legal assistants and paralegals. In addition, many cases consist mainly of sentencing negotiations and a search for alternatives to incarceration. This task could be more economically handled by alternative sentencing specialists. The additional staff would not eliminate the need for attorneys, but the number of attorneys could be reduced by some percentage. Examples of these cases include traffic, criminal non-support, passing bad checks, failure to return rental property and some first time offenses. In Fiscal Year 2006 the Trial Division provided representation in 19,845 of these cases.

Using the same National Advisory Commission on Criminal Justice Standards (NAC) for support staff as for attorneys, support staff could manage 400 Misdemeanors cases per staff person per year. The result is 49 additional legal assistants, paralegal investigators and alternative sentencing specialists. The ratio would be 1 paralegal investigator to every 3 legal assistants.

This option would save the cost of some of the attorney salaries vs. the cost of support staff.

| Cases Prepared by Legal Assistants | |
|---|---------------|
| Charge | FY06 Caseload |
| Failure to Register | 301 |
| Failure to Display Valid Plates | 211 |
| Displaying Plates of Another | 141 |
| Operating w/o a Valid License | 641 |
| Driving while Suspended or Revoked | 6,529 |
| Failure to Provide Proof of Insurance | 76 |
| Operating w/o Proof of Financial Responsibility | 597 |
| Speeding | 402 |
| Careless and Imprudent Driving | 349 |
| Failure to Drive on Right Side of Road | 300 |
| Seat Belt Violation | 120 |
| Other Traffic | 632 |
| Criminal Non-Support | 4,204 |
| Passing Bad Checks | 5,101 |
| Failure to Return Rental Property | 241 |
| Total FY06 Administrative Caseload | 19,845 |

CURRENT MSPD SUPPORT STAFF RATIOS TRIAL DIVISION STAFF TO ATTORNEY RATIO

Our current Trial Division support staff to attorney ratio statewide is as follows:

- ◆ 1 investigator / paralegal for every 6.2 attorneys
- ◆ 1 secretary for every 4.8 attorneys
- ◆ 1 legal assistant for every 10.25 attorneys
- ◆ 1 paralegal for every 16.7 attorneys
- ◆ 1 alternative sentencing specialist for every 46.35 attorneys

This is a statewide *average* and not a reality in every office. Since every office requires at least one secretary even if it only has 2-3 attorneys, other offices make do with 1 secretary and 1 investigator for as many as 8 attorneys and no alternative sentencing specialist. Fifteen of our Trial Division offices do not have any legal assistants and only 4 have a paralegal position.

TRIAL DIVISION STAFF TO CASELOAD RATIO

In the Trial Division, staff to caseload may actually be a better measure of true need than staff to attorney positions. Using that measure, in FY06 the Trial Division had:

- ◆ 1 investigator / paralegal for every 1,837 cases
- ◆ 1 secretary for every 1,421 case files
- ◆ 1 legal assistant for every 3,030 cases
- ◆ 1 paralegal for every 21,592 cases
- ◆ 1 alternative sentencing specialist for every 10,160 cases

Again, this is a statewide *average* and not a reality in every office. Using the FY06 299 cases per year per attorney average, in those offices which have only one secretary and one investigator for 8 attorneys, that investigator is responsible for investigating 2,392 cases annually while the secretary is responsible for providing all clerical and phone support for the same number of cases and clients.

Legal Assistant Alternative

Personal Service

| | |
|--|------------------|
| 24.50 Legal Assistants at Range 15 - \$24,456 per year | \$599,172 |
| 12.25 Alternative Sentencing Specialists at Range 23 - \$32,652 per year | \$399,987 |
| 12.25 Paralegal/Investigator at Range 18 - \$26,964 per year | <u>\$330,309</u> |
| Total Personal Service | \$1,329,468 |

Expense & Equipment

One-time Purchases

| | |
|---|-----------------|
| Legal Assistants 25 * \$4,865 | \$121,625 |
| Alternative Sentencing Specialists 13 * \$4,865 | \$63,245 |
| Paralegal/Investigator Package 13 * \$4,865 | <u>\$63,245</u> |
| Total One-Time Purchases | \$248,115 |

On-Going Costs

| | |
|---|------------------|
| Paralegal/Investigators & Legal Assistants & Alternative Sentencing Specialists 49 * \$9,275 | <u>\$454,475</u> |
| Total Personnel Related On-Going Costs | \$454,475 |

| | |
|-----------------------------|------------------|
| Total Expense and Equipment | <u>\$702,590</u> |
| Total Decision Item Request | \$2,032,058 |

Restoration of Public Defender Expense & Equipment Core

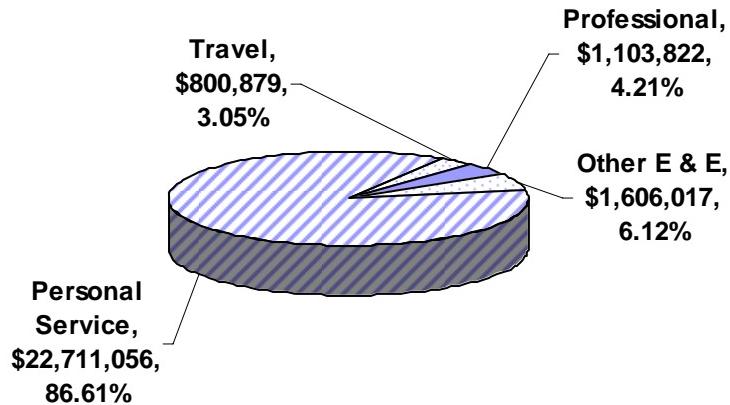
SHORTAGE OF EXPENSE & EQUIPMENT FUNDS:

MSPD's Legal Services E&E budget was cut by \$2,487,400 in Fiscal Year 2004 when state funds as a whole were in such short supply. That core has never been restored. In the meantime, case expenses have increased with the increase in caseload, multiplied by the fact that most of the increase is in rural areas. This brings a corresponding increase in travel as our attorneys drive to cover caseloads that stretch across multiple counties. Last year, MSPD Trial Division employees drove 1.9 million miles. Increases in mileage reimbursement rates on top of the increased number of miles, is just one of the reasons MPSD's budget has been stretched to the breaking point. Despite numerous cost-cutting measures, MSPD still wound up out of funds before the end of the fiscal year 2006 and had to hold invoices until FY07 funds became available to cover them.

Increased Cost of Mileage from a Reduced Budget

| Fiscal Year | Mileage Rate | Miles Traveled | MSPD Cost |
|-------------|--------------|----------------|-------------|
| 2004 | 0.330 | 1,761,892 | \$581,424 |
| 2005 | 0.345 | 1,931,003 | \$666,196 |
| 2006 | 0.375 | 2,497,254 | \$936,470 |
| 2007 | 0.415 | 2,996,705 | \$1,243,632 |
| | | | \$662,208 |
| | | | |
| | | | |
| | | | |
| | | | |

Fiscal Year 2006 Expenditures - Legal Services -



Excessive Caseload Appropriation

CASELOAD CRISIS: As previously stated in other caseload increase decision items, MSPD has had no addition to its staff in six years while its caseload has risen by over 12,000 cases. According to an independent assessment by the Spangenberg Group in October, 2005, MSPD is operating in crisis mode and “the probability that public defenders are failing to provide effective assistance of counsel and are violating their ethical obligations to their clients increases every day.”

Unlike every other state agency, MSPD only does one thing and it is constitutionally mandated. MSPD has no mechanism with which to control or reduce its workload to correspond with its staffing levels, short of refusing cases and throwing the state of Missouri into federal court for constitutionally violating the right of indigent clients to effective assistance of counsel.

In the event that no additional assistant public defenders are allocated to the Missouri State Public Defender, it is critical that the department has a built in relief valve. If the caseload crisis continues, MSPD MUST have funding available to assign the overload to private counsel willing to provide representation.

In July 2005, the Public Defender Commission recognized that high caseloads are a continuing concern and that there are too many cases and too few staff to handle them without compromising the attorney’s ability to provide ethical, competent representation as benchmarked by the Public Defender Guidelines for Representation and similar national standards.

The Commission further stated that when an office exceeds 235 cases annually per attorney the office will be reviewed for corrective actions. One of the corrective actions would be to assign the “overload” to private counsel.

The Trial Division of the Missouri State Public Defender is staffed at a level to provide representation for 65,700 cases. (292 attorneys * 225 NAC standard for a mixed caseload = 65,700) This means in FY2006 there was a potential to assign out 20,668 cases. (86,368 actual cases assigned to the Trial Division in FY2006 – 67,500 = 20,668) If the average cost of an assignment were just \$500 the total cost of this decision item would be \$10,334,000.

Student Loan Relief

There is a recruitment crisis as to assistant public defenders in the State of Missouri. Because of the inability to recruit new assistant public defenders, new positions created because of expanding caseloads, as well as vacant positions created by turnover, remain unfilled for extended periods of time. Vacant positions, particularly in rural public defender offices often remain open for periods of six months or more.

These vacancies are slowing the judicial process and reducing the disposition rate of cases. The State Public Defender continues to be able to dispose of less cases than those assigned. The FY06 cumulative backlog of more 28,168 cases is directly attributed to a shortage of experienced attorneys to handle them.

**Public Defender Caseload
Assigned vs. Disposed**

| Fiscal Year | Assigned | Disposed | Net Difference |
|--------------------|-----------------|-----------------|-----------------------|
| 2000 | 75,738 | 69,591 | 6,147 |
| 2001 | 76,786 | 73,438 | 3,348 |
| 2002 | 82,206 | 77,165 | 5,041 |
| 2003 | 85,908 | 81,059 | 4,849 |
| 2004 | 88,916 | 86,356 | 2,560 |
| 2005 | 88,131 | 87,180 | 951 |
| 2006 | 88,532 | 83,260 | 5,272 |
| | 586,217 | 558,049 | 28,168 |

Through turnover, the Office of the State Public Defender has openings for approximately 60 attorneys each year. However, often these openings remain unfilled for a period of time because of the inability to recruit. Most new attorneys hired by the Office of State Public Defender are recent law school graduates. Nearly all those graduates have considerable student loan debt upon graduation. A recent survey indicates most law school graduates hired by the State Public Defender have law school debt of \$50,000 - \$100,000. Approximately five percent had debt in excess of \$100,000. Interviews with prospective candidates indicate that, although some students would prefer public service as public defenders, they simply cannot afford to with the entry level salary and the heavy student loan debt.

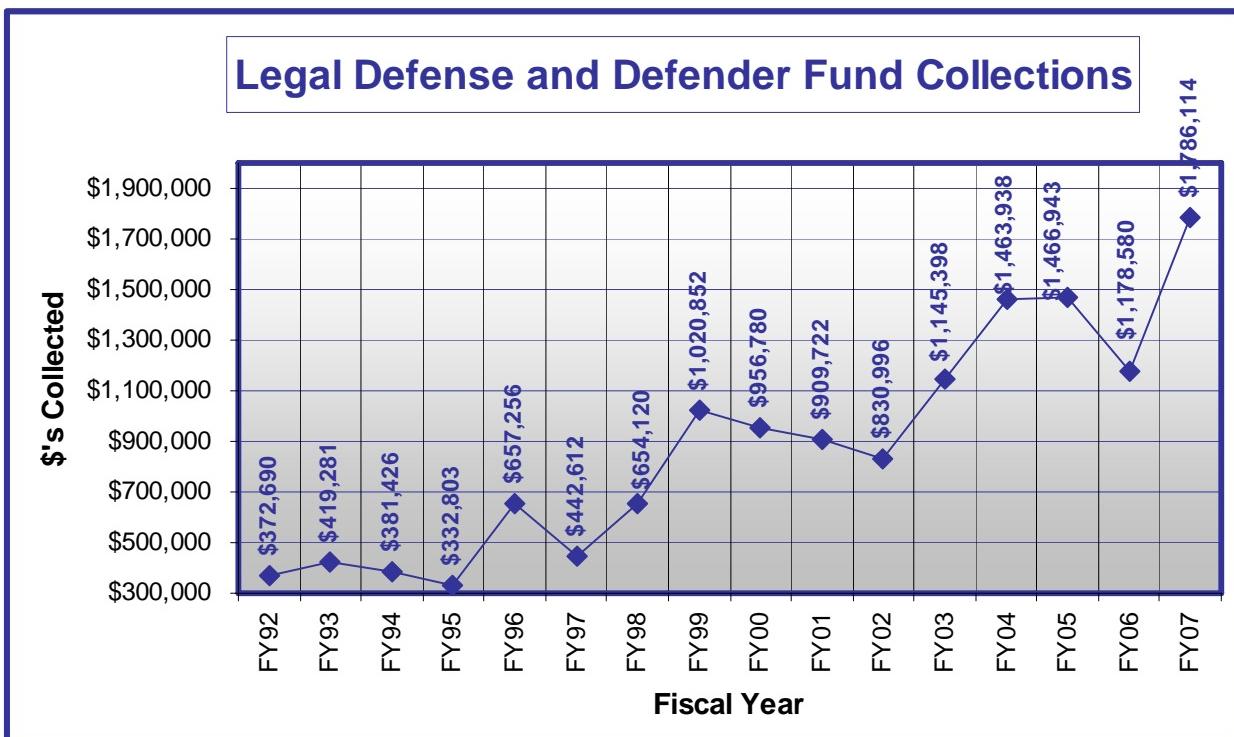
Assistant public defenders with at least \$300 per month in student loan debt would receive up to \$300.00 per month during their service as assistant public defenders, so long as they perform satisfactorily as public defenders and are not in default on any student loan debt. Increased recruitment and reduced vacancies will speed the disposition of criminal cases and increase the public defender caseload disposition rate.

| | |
|---|-----------|
| 60% of 346.50 attorneys = 208 attorneys * \$300 per month * 12 months | \$748,440 |
|---|-----------|

Increase Legal Defense and Defender Fund Expenditures—

Supplemental and Continuation into FY2008

The Legal Defense & Defender Fund, made up of money collected from clients in return for services, mostly paid through the debt offset program, has a current expense and equipment appropriation ceiling of \$1,850,756. MSPD would like this appropriation increased (or estimated) to allow MSPD to make use of all funds collected under the program. This fiscal year the appropriation will pay for all of MSPD's computers and computer networking lines, large equipment purchases such as copy machines, our Westlaw contract, all of MSPD's training, MO Bar dues for our attorneys, etc.



As the laws continue to change—training for the public defender staff becomes more critical. Training of all employees within the State public Defender System is an important part of the continued success of the system.

The funds collected from the indigent accused and deposited in the Legal Defense and Defender Fund are used at the discretion of the director for the operation of the department, including training and the one time purchase of services and equipment.

This decision item will increase the ceiling of the expense and equipment appropriation. As collections increase the ceiling must rise to allow the State Public Defender to expend the funds collected.

Increased Legal Defense and Defender Fund

| | |
|-----------------------------------|-------------|
| | |
| Travel, In-State | \$170,500 |
| Travel, Out-of-State | \$60,500 |
| Supplies | \$62,500 |
| Professional Development | \$63,000 |
| Communications Service & Supplies | \$1,000 |
| Professional Services | \$75,500 |
| Computer Equipment | \$352,500 |
| Office Equipment | \$125,000 |
| Equipment Lease | \$8,500 |
| Miscellaneous | \$81,000 |
| | |
| | \$1,000,000 |
| | |

Legislative Recommendations

Office Space Requirements

When the Missouri State Public Defender System was established, the burden and expense of office space and utility services for local public defender offices was placed on the counties served by that office. That burden remains today in the form of RSMo. 600.040.1 which reads:

The city or county shall provide office space and utility services, other than telephone service, for the circuit or regional public defender and his personnel. If there is more than one county in a circuit or region, each county shall contribute, on the basis of population, its pro rata share of the costs of office space and utility services, other than telephone service. The state shall pay, within the limits of the appropriation therefore, all other expenses and costs of the state public defender system authorized under this chapter.

Some county governments have objected to and resent being required to pay for office space for a Department of State Government.

When the Missouri State Public Defender System was first established and RSMo. 600.040.1 was first enacted, public defender services in most areas of the state were provided through private attorneys who had contracted with Missouri's Public Defender System to provide such services. Since these private contract counsel provided services from their private offices, county governments did not have to provide office space and utilities.

In 1997, the legislature responded to the refusal of some counties to provide or pay for Public Defender office space. Language was added to House Bill 5, allowing for the interception of prisoner per diem payments to counties failing to meet their obligations under 600.040. The state has intercepted some money intended for counties that scoffed at their obligation, however, the interceptions and threat of interceptions have put great strain on state-county relations.

In 1999, the legislature once again addressed the problem of providing Public Defender office space. A new section, (RSMo. 600.101), was added which allows disputes between counties and the State Public Defender to be submitted to the Judicial Finance Commission (RSMo. 477.600). Section 600.101 also calls for a study and report from the Judicial Resources Commission to be prepared for the chairs of the House and Senate Judiciary Committees, Senate Appropriations Committee, and House Budget Committee.

Today, some county governments provide public defender office space in county courthouses or other county facilities, some counties rent office space and pay their pro rata share of that rent as required by statute. Some counties, strapped for office space for their own county officials, provide woefully inadequate space in county facilities. Some county governments provide no office space at all and refuse to provide rented office space outside county facilities.

Disputes have not only concerned whether or not office space will be provided at all, they have included where and what space will be provided. Either because of economic necessity or in passive resistance to their obligation, some counties house the Public Defender in woefully inadequate facilities. Public Defenders have endured the indignities of insect infestation, lack of privacy, leaky roofs, and cramped quarters, to name a few.

Counties simply have no interest in the adequacy of the Public Defender facilities, especially when they don't want to provide space at all. Most of our offices serve multiple counties. It is a logistical nightmare to have to get multiple commissioners in multiple counties to sign off on every change to a lease involving one of our offices (including no less than 33 commissioners in our Chillicothe office, which covers 11 counties!). A number of counties refuse to provide or pay for additional space to accommodate growing defender staff, a problem that will greatly multiply if additional staffing is forthcoming in this legislative session. While MSPD has not received any additional staffing for the past 6 years, we do move positions among offices based upon growing / dropping caseload.

Some of the results:

- ◆ Attorneys doubled up in offices, making a confidential client meeting impossible;
- ◆ Attorneys literally setting up an office in the telephone / computer server closet, as well as taking over all public space in the office -break room, conference room, library - so that these generally standard areas in a law office are no longer available anywhere within the office;
- ◆ Having to install locks on all filing cabinets and moving them into a public hallway to free up space for staff to squeeze in another desk;
- ◆ MSPD picking up the difference in the rent for additional essential space in a few situations despite a lack of funding for that purpose.
- ◆ Counties fight with MSPD and among themselves when more than one county covered by an office has available 'free' county space and doesn't want to contribute cash to another county instead. These disputes have escalated to lawsuits between counties on at least one occasion.
- ◆ Some counties flatly refusing to pay any rent for an office not located in their county, with the result that MSPD must pick up their portion of the lease cost, despite a lack of funding for this purpose. There is a provision for the state to intercept prisoner per diem reimbursement costs to cover unpaid county liabilities for public defender office space. MSPD tried to invoke this at one point in the past, but was asked by the then gubernatorial administration to forego the remedy because of the hostility being caused between the state and the counties as a result of the intercept.
- ◆ Receiving an eviction notice because six counties refused to pay, between them, a total increase of \$48.67 per month imposed by the landlord. To prevent the eviction, MSPD agreed to pay the difference.
- ◆ Some counties provide space that is in very poor shape and unfit for a law office. We have been placed in office space where the ceiling tiles were crumbling onto the attorneys' desks, where the 'closed file room' was a basement with a dirt floor that turned to mud with every rain, in offices with asbestos, cockroaches, and termite infestations. Such unsuitable and difficult working conditions undoubtedly contribute to our turnover, as well as to reduced productivity, yet MSPD's hands are tied.
- ◆ The State picks up parking expenses for all of its employees working in areas where free parking is not available at their office space - all but its public defenders. The governor's veto of parking funds for public defenders this past session posited that parking costs were the responsibility of the counties who provided the office space. The counties say it is not their responsibility and refuse to pay it. The state's public defenders are left forking over \$75 a month to pay for parking while the judges making three times their salary have their parking paid.

The State Public Defender is not interested in securing fancy, luxurious offices. Its interest is to have facilities adequate to ensure efficient, effective use of personnel and other resources appropriated to the Department.

Most Public Defender districts are multi-county. Since the current statute requires each county to pay their pro rata share, inter-county cooperation is essential. It is not always forthcoming.

Although establishment of Public Defender offices is the authority of the State Public Defender Commission, (RSMo. 600.023), counties have sought to provide office space at the location of their choice; typically their own county. They have refused to pay their pro rata share to the host county when they are unhappy with the office location. On at least one occasion, these county disputes have risen to the point of lawsuits being filed.

The State Public Defender Commission is interested in locating offices in multi-county Districts where they will be the most effective and efficient use of state resources. Counties do not share that interest, preferring the office to be located where it will cost the least and have the most positive economic impact on their local economy, efficiency and the desires of other counties and the State Public Defender notwithstanding.

In summary, the current statutory scheme requires counties to cooperate with each other, and with this Department, to provide office space for a Department of State Government. They do so under the threat of prisoner per diem interceptions. It is a formula for conflict between the State Public Defender and counties, as well as between counties of multi-county districts. The problem is sure to get worse in the future. The caseload projections for fiscal year 2008 exceed 99,000. Moreover, a three year trend shows public defender caseload is decreasing in city offices, while it is up sharply in nearly all multi-county districts. More cases will mean more personnel. Under the current statute, Missouri's Public Defender Commission is unable to establish and/or expand offices as needed, where needed.

The physical plant of local public defender offices varies greatly, depending upon the ability and/or willingness of local county governments to provide office space. Some public defender offices have adequate space, which greatly enhances their efficiency. Other offices have woefully inadequate space and their ability to effectively and efficiently accomplish their mission is greatly reduced. Under the current statute, the administration can do little to ensure the adequacy and uniformity of office space in local public defender offices.

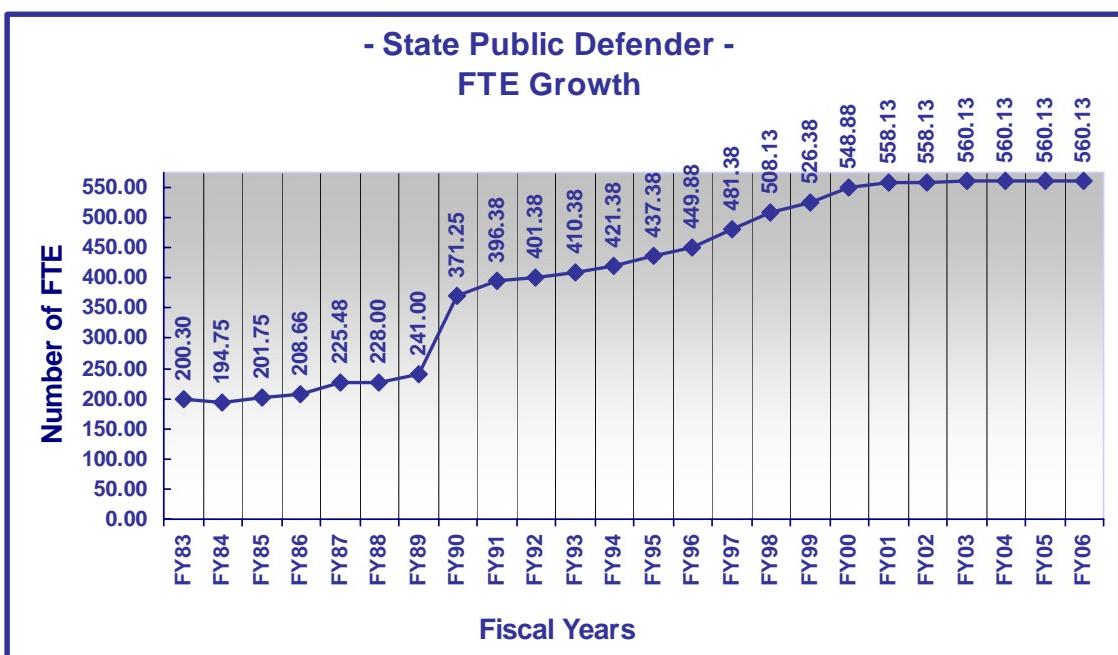
The Office of the State Public Defender currently has 179 employees located in metropolitan areas where they are required to pay for their own parking. During the last legislative session, the Senate Appropriations Committee added an amount of money to cover this expense to our employees. The Conference Committee agreed, but the funding was again vetoed by the Governor stating that under Section 600.040.1, RSMo these expenses are the responsibility of the participating counties.

We are asking that this decision item be reconsidered since the state currently pays for parking for judges and other judicial employees who, like public defenders, are state employees but work in facilities that are provided by the county. Public defenders are the ONLY state employees who have to pay their own parking, a situation that is markedly unfair when others employed by the same state government who work just down the hall in the same courthouse have their parking paid for them.

A change in the legislation, specifically repealing portions of RSMo. 600.040.1, is recommended. Although probably adequate at the time the public defender system was first organized, this Department has grown far beyond its humble beginnings and the original intent of RSMo. 600.040.1.

The legislature, judiciary and public demand a swift, efficient administration of justice. In order to meet that demand, the Missouri Public Defender System needs adequate, efficient physical plants in all its offices. This need is simply not being met under the current statutory scheme.

| Fiscal Year | Number of FTE | Fiscal Year | Number of FTE |
|-------------|---------------|-------------|---------------|
| FY83 | 200.30 | FY96 | 449.88 |
| FY84 | 194.75 | FY97 | 481.38 |
| FY85 | 201.75 | FY98 | 508.13 |
| FY86 | 208.66 | FY99 | 526.38 |
| FY87 | 225.48 | FY00 | 548.88 |
| FY88 | 228.00 | FY01 | 558.13 |
| FY89 | 241.00 | FY02 | 558.13 |
| FY90 | 371.25 | FY03 | 560.13 |
| FY91 | 396.38 | FY04 | 560.13 |
| FY92 | 401.38 | FY05 | 560.13 |
| FY93 | 410.38 | FY06 | 560.13 |
| FY94 | 421.38 | FY07 | 560.13 |
| FY95 | 437.38 | | |
| | | | |



MISSOURI STATE PUBLIC DEFENDER SYSTEM

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Cathy Kelly, Deputy Director for Training
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MISSOURI STATE PUBLIC DEFENDER SYSTEM

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**Area 15 -- Cooper, Lafayette, Pettis,
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MISSOURI STATE PUBLIC DEFENDER SYSTEM

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